

# EXHIBIT D

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May 22, 2017

Mr. Keith J. Keogh, Esq.  
Keogh Law, Ltd.  
55 W. Monroe Street, Suite 3390  
Chicago, IL 60603

Re: *Jill Altman v. White House Black Market, Inc.*

Dear Mr. Keogh:

I have reviewed the case materials provided to me in this case and listed later on in this report; and based upon my work experience in the field of banking, lending, my education, and my professional training, all as more fully described in my current curriculum vitae that is incorporated into this report, I have formed the opinions that appear later in this report to a reasonable degree of professional certainty.

If there is more discovery in this case, I hereby reserve the right to modify, add to, or delete from my opinions stated in this report based upon what is contained in any subsequent case materials that may be provided to me.

## My Qualifications

1. My educational background includes a B.A. degree from the University of Alabama, post-graduate work at Alabama and the University of Houston, graduate-level work at Spring Hill College, and executive education work at Southern Methodist University and the Harvard Business School.
2. My professional background includes approximately twenty years as a high-level banker, mortgage banker, and lender and approximately twenty years as an independent consultant

including over two years as a high-level governmental banking regulator.

3. My background and experience include a significant amount of training in all areas of banking and mortgage banking including lending, loan servicing, deposits, operations, investments, securitization, securities, collections, and trusts with my past employers including Citicorp and entities that are now Citigroup, Bank of America, JPMorgan Chase Bank and Regions Financial, and all of which are among the largest banking and financial companies in the country.

4. I have been called on as an expert in at least 56 previous FACTA cases based upon my education, training, banking work, and management background that includes specific experience in all aspects of lending including credit card operations. An article I wrote and published on July 9, 2009, titled *Credit Card Expiration Dates and FACTA*, was quoted and cited in a FACTA case opinion issued on September 19, 2014, by The Honorable Richard A. Posner, 7<sup>th</sup> Circuit, United States Court of Appeals. Westlaw Cite: 2014 WL 4654477 (C.A.7 (Ill.))

In addition, I have experience working as a governmental banking regulator; and I have been called on many times as an expert consultant to many governmental banking regulators such as the FDIC and also non-banking governmental entities such as the Internal Revenue Service, Agency for International Development, U.S. Air Force, and others.

5. As a consultant, I have been called on over 645 times as an expert witness for plaintiffs and defendants nationwide in all areas of banking, mortgage banking, lending, loan servicing, finance, and business valuation; and I have testified as an expert witness consultant 160 times (125 times at deposition and 35 times in court or arbitration). The Defense Research Institute and the American Association for Justice both include me in their databases of expert witness consultants recommended to them by their members. Litigation-related work is fairly evenly split between plaintiff and defense clients, and typically accounts for approximately 85%-90% of my work and income.

6. My consulting practice includes a significant level of non-litigation work such as business valuations, intellectual property valuations, financial asset valuations, feasibility studies, market studies, training programs, bank taxation matters, anti-money laundering programs and manuals, advice for hedge fund and investment management companies, business plans, business start-up advice, policy and procedure manuals, fraud investigation assistance, international consulting, and consulting on general financial matters. Non-Litigation-related work typically accounts for

approximately 10%-15% of my work and income.

7. Some notable clients have included over 107 banks worldwide, 9 of the country's top 10 banks, 8 of the country's top 10 mortgage banking companies, 14 of the world's top 45 banks, 20 of the country's 100 largest companies, 70 of the country's top 350 law firms, governmental entities such as the Internal Revenue Service (called on for 7 engagements involving bank taxation and the valuation of banking and intangible assets worth over \$21.5 billion), FDIC, Resolution Trust Corporation, Federal Reserve Bank, Federal Home Loan Bank, Federal Savings & Loan Insurance Corporation, Federal National Mortgage Association (Fannie Mae), Federal Home Loan Mortgage Corporation (Freddie Mac), other governmental banking regulators, U.S. Air Force, numerous state and local governments, and four members of the Forbes 400 List.

8. International clients have included the International Accounting Standards Board Foundation in London (when Paul Volcker was chairman), World Bank, U.S. Agency for International Development, International Monetary Fund, United Nations Conference on Trade and Development, foreign governments, and others. I have been engaged by clients in 48 states and 37 countries for work in 64 countries.

9. I am published widely (1 book and 105 articles including two articles on FACTA) in banking, mortgage lending, finance, valuation and business subjects, and I have been interviewed or quoted over 150 times in over 50 publications and media outlets including Forbes, U.S. News and World Report, NBC Evening News, ABC News and ABC Radio, Canadian Broadcasting Corp., Time Magazine and Time Online, American Banker, Atlanta Journal-Constitution, New York Daily News, Baltimore Sun, Chicago Sun-Times, Charlotte Observer, Triangle Business Journal (Raleigh, NC), The Business Journal (Greater Triad Area: Greensboro, High Point, Winston-Salem, NC), Atlanta Business Chronicle, Newark Star-Ledger, Denver Post, Houston Business Journal, Boston Herald, Phoenix Business Journal, Pittsburgh Post-Gazette, Pittsburgh Business Times, Jacksonville (FL) Business Journal, Palm Beach Daily News, South Florida Business Journal, Toronto Star, Memphis Business Journal, San Francisco Daily Journal, The Virginian-Pilot newspaper, Lawyers Weekly USA, Chief Executive Magazine, Chartered Financial Analyst Magazine, Mortgage Lending Compliance Alert, Small Business Times, Debtwire, and many others. I am listed in numerous Who's Who biographical achievement books including *Who's Who in America*, *Who's Who in the World*, and *Who's Who in Finance and Industry*.



10. Based upon these qualifications and others more fully described in my curriculum vitae that is incorporated into this report, I have formed the following opinions to a reasonable degree of professional certainty:

### **Issues Addressed**

- Whether there was any risk of harm to the consumer from a merchant truncating just five digits of the fifteen-digit American Express Card account number, and thus exposing the first six and last four digits on the receipt.
- The level of risk associated with Defendant's purported efforts to comply with FACTA, and what other efforts Defendant should have taken to ensure the security of sensitive cardholder information.
- Whether it is easy to differentiate between consumer credit and debit cards, and business credit and debit cards.
- Whether it is easy to identify from Defendant's records the individuals who received printed receipts without the proper masking of the credit card account number.

### **Outside Documents Reviewed**

I have reviewed numerous documents pertinent to FACTA cases in the course of my professional activities and testimony as an expert witness in other matters, including the following documents:

- a. 15 USC § 1681c(g).
- b. 16 CFR § 603.2(a).
- c. 18 USC § 1029(e).
- d. United States Government, General Accountability Office, Report titled "Personal Information, Data Breaches are Frequent, but Evidence of Identity Theft is Limited; However, the Full Extent is Unknown." June 2007.<sup>1</sup>

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<sup>1</sup> <http://www.gao.gov/products/GAO-07-737>

- e. “How Consumers Can Protect Themselves,” 2007 Identity Theft Fraud Survey Report – Consumer Version, Javelin Strategy & Research, February 2007.
- f. “Consumer Fraud and Identity Theft Complaint Data, January – December 2006,” Consumer Sentinel and Identity Theft Clearinghouse, Federal Trade Commission, Released February 7, 2007.
- g. Card Account Information Truncation Requirements: Suppression of Account Information on Transaction Receipts, published by Global Payments, Inc.<sup>2</sup>
- h. Visa and MasterCard News, Wells Fargo Online Merchant Services, 2007.<sup>3</sup>
- i. “Visa to Limit Visible Credit Card Numbers,” Douglas Caldwell, Appearing in the American Business Journal publications in March 2003.<sup>4</sup>
- j. “Just Because it’s the Holidays, Don’t Lower Your Guard Online,” Sandra Block, USA Today, December 12, 2004.
- k. “Why do credit cards expire?”<sup>5</sup>
- l. State Credit Card Truncation Laws.<sup>6</sup>
- m. “The Facts About FACTA.”<sup>7</sup>
- n. FDIC Consumer Alert SA-220-2006.
- o. “How does the hacker economy work?” Information Week, February 10, 2007.<sup>8</sup>

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<sup>2</sup> <https://www.globalpaymentsinc.com/en/canada/customer-centre/industry-initiatives/pan-truncation-requirements>

<sup>3</sup> <https://www.google.com/search?q=wells+fargo%2C+visa+and+mastercard+account+number+truncation+requirements&ie=utf-8&oe=utf-8>

<sup>4</sup> San Francisco Business Journal, March 3, 2003.

<sup>5</sup> <http://www.bankrate.com/finance/credit-cards/why-do-debit-and-credit-cards-have-expiration-dates.aspx>

<sup>6</sup> <https://www.merchantequip.com/information-center/articles/credit-card-truncation/>

<sup>7</sup> [https://www.firstdata.com/downloads/thought-leadership/fd\\_factafacts\\_toolstips.pdf](https://www.firstdata.com/downloads/thought-leadership/fd_factafacts_toolstips.pdf)

- p. Merchant Rules Manual, Dec. 11, 2014; and MasterCard Security Rules and Procedures, Feb. 5, 2015.<sup>9</sup>
- q. “New restrictions on payment card transactions now in effect,” Orlando Business Journal, July 1, 2003.
- r. “Host of New Rules Aim to Help Consumers Ward Off ID Theft,” Wall Street Journal, December 16, 2004.
- s. “Cybercon,” Forbes, October 4, 2004.<sup>10</sup>
- t. FDIC Security Alert No. SA-57-2008, dated March 18, 2008.<sup>11</sup>
- u. The subject receipt.
- v. In addition to these outside documents, I reviewed the case materials listed in the “Materials Reviewed” section of this Report.

I reached my conclusions in this case based upon my education, training, professional expertise, experience, and independent research.

## **Opinions**

1. It is undisputed that the Fair and Accurate Credit Transactions Act (“FACTA”) requires merchants to truncate or redact a credit card’s account number except for the last five digits and the complete expiration date. Based upon my education, training, experience, and research in the industry, it is my opinion to a reasonable degree of professional certainty that there is a serious risk of harm to consumers from merchants failing to properly truncate the legally required digits of a credit or debit card account number.
2. If a criminal has the first six digits and the last four digits of a person’s credit card number in which the last digit is a check digit, then depending on the skill level of the criminal, he can utilize this information to calculate what the remaining digits of the account number are. Alternatively, the criminal could sell

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<sup>8</sup> <http://www.informationweek.com/how-does-the-hacker-economy-work/d/d-id/1051843?>

<sup>9</sup> <https://www.mastercard.us/en-us/about-mastercard/what-we-do/rules.html>

<sup>10</sup> [http://members.forbes.com/forbes/2004/1004/088\\_print.html](http://members.forbes.com/forbes/2004/1004/088_print.html)

<sup>11</sup> [http://www.advantagebank.biz/advantage-services/faqstipsalerts/alert-fdic-emails-scams/?doing\\_wp\\_cron=1480930687.0188829898834228515625](http://www.advantagebank.biz/advantage-services/faqstipsalerts/alert-fdic-emails-scams/?doing_wp_cron=1480930687.0188829898834228515625)

this information to another criminal that does possess the skills and means to complete this analysis. Still another alternative is that the criminal could make phishing inquiries (by telephone, email, or mail) aided by the extra credibility of already possessing ten digits of someone's credit or debit card number and then seek additional personal confidential financial information from the card holder such as the card's expiration date or the card's three-digit or four-digit card security number. Or, a criminal armed with ten digits of a credit or debit card number possibly could obtain the entire card number from some other source – such as by phishing telephone calls or emails - and that provides some criminals with enough information to generate usable credit card or debit card account numbers and to generate a security code, also referred to as a Card Verification Number, which would enable card-not-present transactions. Therefore, to minimize the risk of credit card and debit card fraud and identity theft, merchants must comply fully with the requirements of FACTA and truncate or redact the required digits of the credit card or debit card number and completely truncate or redact the card's expiration date from all printed receipts, which would include receipts generated for Internet or telephonic purchases.

3. Identity theft is the country's fastest growing crime. According to the Federal Trade Commission:

“Identity theft occurs when someone uses your personally identifying information, like your name, Social Security number, or credit or debit card number, without your permission, to commit fraud or other crimes. The FTC estimates that as many as 9 million Americans have their identities stolen each year. . . . The crime takes many forms. Identity thieves may rent an apartment, obtain a credit or debit card, or establish a telephone account in your name. You may not find out about the theft until you review your credit report or a credit or debit card statement and notice charges you didn't make - or until you're contacted by a debt collector.

“Identity theft is serious. While some identity theft victims can resolve their problems quickly, others spend hundreds of dollars and many days



repairing damage to their good name and credit record. Some consumers victimized by identity theft may lose out on job opportunities, or be denied loans for education, housing or cars because of negative information on their credit reports. In rare cases, they may even be arrested for crimes they did not commit.”

Source: Federal Trade Commission, About Identity Theft, (Accessed on May 9, 2015).

4. Underscoring the seriousness of the identity theft problem, the FTC has set up a special website just for identity theft problems.

5. An interesting fact about identity theft is that the crime has evolved into a more pervasive form than it took years ago. Identity thieves use many sources of information to obtain sensitive financial information about their victims. For example, in addition to thefts involving credit cards and debit cards, criminals are now more likely to use the initial personal confidential financial information they obtain as a means of obtaining further personal confidential financial information such as bank account numbers, PIN numbers, passwords, social security numbers, date of birth, employment, etc.

6. A factor that has enabled identity theft to grow is the simple fact that people do more and more of their financial activities through credit cards and debit cards and electronic means, such as Internet shopping and telephone shopping.

7. In addition, more and more people use their credit cards and debit cards for recurring payments, such as utility bills, so that they can write fewer checks each month.

8. The suppression of unnecessary personal confidential financial information on credit card or debit card receipts helps prevent credit card or debit card-related fraud as well as other more extensive forms of identity theft. This is so because of the way credit card or debit card accounts are set up and accessed. In addition, it is easy for a merchant to accomplish FACTA-compliant truncation since all software sources and processors have to provide software products and processing services that comply with the requirements of FACTA. When a merchant buys

and installs FACTA-compliant software, the merchant is providing protection to its customers and protection for the merchant as well. The merchant is reducing the risk that it and its customers will be subjected to criminal action due to a criminal obtaining a customer's personal confidential financial information. Conversely, if a merchant fails to obtain and install proper credit card processing software, then the merchant is choosing to increase the risk to itself and its customers.

9. Credit card numbers are structured according to International Organization for Standardization ("ISO") 7812 that covers the information contained in a card's magnetic stripe, and is made up of four parts: (1) A single digit that is a Major Industry Identifier ("MII"), (2) An issuer identification number ("IIN"), (3) An account number, and (4) A check digit.

The MII indicates the industry of the issuer of the card, as follows:

- 1 Airlines
- 2 Airlines and some other industries
- 3 Travel and entertainment
- 4 Banking and financial services
- 5 Banking and financial services
- 6 Retail companies and banking
- 7 Oil companies
- 8 Telecommunications and other industries
- 9 National assignment

American Express falls into category 3.

Visa falls into category 4.

MasterCard falls into category 5.

Discover falls into category 6.

Visa, MasterCard, and Discover use a sixteen-digit account number, and American Express uses a fifteen-digit account number.



For 16-digit account numbers, the IIN is the first six digits of the card number and identifies the issuer of the card, whether the card is a credit card or a debit card, and further defines whether it is a personal-consumer card or a business-commercial card. Visa and MasterCard have specific BINs for various types of cards, and this enables a merchant to tell whether a card is a personal-consumer card or a business-commercial card.

The account number is the seventh digit through the next to last digit, and is a maximum of 12 digits.

The third and fourth digits signify the type of card and the currency being used. The next six digits, five through 11, are the number of the account, and the 12th through 14th digits represent the card number within said account.

American Express uses the first two numbers of the card number to identify itself with either 34 or 37.

The third and fourth digits tell the type of card and the currency used by the card.

The fifth digit through the eleventh digit are the actual account number.

The twelfth, thirteenth, and fourteenth digits indicate the card number within the account, such as where there are two users and each one has a separate card number.

The last digit in either the 15-digit or 16-digit card number is a check digit that is calculated by an algorithm known as the "Luhn formula." The check digit is a mathematical function of the other numbers in the credit card number and basically verifies that the credit card number is valid.

10. Sophisticated computer hackers can exploit the fact that the check digit is a function of the other digits of the credit card or debit card account number. By using the information on the subject receipt, i.e., the first six digits (which

identifies the card issuer) and the last four digits of the subject American Express credit card number, a credit card criminal or identity thief can calculate whole possible credit card numbers using computerized mathematical analysis techniques to determine an account number (or numbers) that will work. Armed with the complete credit card number, it would be possible for a criminal to make purchases, create a fake duplicate card, or make more effective phishing calls.

11. Banks and other credit card issuers long ago recognized the increased security provided by truncating credit card account numbers. That is why American Express, Visa and MasterCard began requiring the truncation of account numbers from credit card and debit card receipts even before FACTA became law.

12. The most reliable source on what is useful to identity thieves and credit card and debit card fraud thieves are the criminals themselves. Why would one further question the usefulness of a credit card or debit card account number to a criminal when the criminals themselves are seeking and trafficking in that very piece of information? For example, a February 17, 2006, News Release issued jointly by the Commissioner and Inspector General of the Social Security Administration warns against an ongoing identity theft e-mail scam. The scam directs individuals to a phony Social Security website where the individuals are told to provide their full credit card or debit card numbers, expiration dates, and PIN numbers. On August 16, 2006, the FDIC issued Special Alert SA-220-2006 to consumers regarding a similar scam that sought credit card account numbers and expiration dates. On March 18, 2008, the FDIC issued Special Alert SA-57-2008 regarding yet another scam that sought credit card account numbers and expiration dates. There is an active black market in consumer information, including credit card and debit card account numbers and expiration dates, on the Internet. Identity thieves and other criminals log onto sophisticated websites that include bulk rates and “customer”-rated vendors seeking consumers’ personal information, including credit card and debit card account numbers and expiration dates. (See “How Does

The Hacker Economy Work?” Larry Greenemeier, J. Nicholas Hoover, Information Week Magazine February 10, 2007.)

13. The potential problem that is often misunderstood is that the confidential information contained on a credit card receipt or debit card receipt, specifically ten digits of a credit card or debit card account number, is an important piece of data that can enable the further discovery of additional personal confidential financial information from a victim. For example, a criminal armed with ten digits of a credit card or debit card number can call the cardholder and pose as the credit card issuing company and possibly obtain additional private personal confidential financial information. The possession of ten digits of card account number adds a level of authenticity to the criminal’s inquiry.

14. The more information contained on a receipt, the easier it is for a criminal seeking additional personal confidential financial information. For example, a receipt such as the subject one in this case cites “Amex” and also shows the first two account number digits as “37” and an account number that is only fifteen-digits long, leaving no doubt that it is an American Express card. In addition, this particular receipt includes the location of the merchant and the name of the customer. Knowledge of this many digits of the account number, including the final check digit, facilitates the calculation of the rest of the credit card number. Plus the address of the card holder usually can be obtained without much effort. In this particular instance, I did a simple Google search for “Jill Altman, Atlanta, Georgia” and immediately found out Ms. Altman’s home address, telephone number, and employment. It is reasonable to assume that further Internet searching would yield even more useful information on the card holder.

15. The availability of all of this financial and personal information opens the door for further criminal activity beyond common credit card fraud and enables the criminal to potentially obtain additional credit cards or debit cards, obtain loans for vehicles, mortgages for homes, etc., all in the name of the credit card or debit card holder, set up new credit accounts in the name of the card holder, gain access

to the card holder's bank accounts, possibly obtain employment in the credit card or debit card holder's name; obtain a driver's license in the victim's name, obtain a passport in the victim's name, etc. This could lead to the criminal obtaining enough information to obtain a credit report on the victim, thus revealing all of their personal confidential financial and credit information. The universe of potential problems is limited only by the imagination of the criminal.

16. Compounding the problems of identity theft and credit card and debit card fraud is the fact that the victim may not know that they have a problem until long after the crimes begin, and actually may never know that the problem occurred. For example, many victims only discover that they have been the subject of identity theft or credit card or debit card theft after their credit accounts go over their credit limit, a fraudulent credit account goes delinquent, a fraudulent check written in their name bounces, etc. Moreover, a victim may not even know that they have been victimized until years after that information has been accessed, such as in the case where a criminal establishes a loan in the victim's name and then allows the loan to become delinquent. There have been cases where victims of identity theft were locked up in jail for the financial offenses committed by the criminal.

17. Criminals committing identity theft can operate fairly anonymously due to the ease of completing transactions online and by telephone. Merchandise deliveries can be sent to the address of a vacant house or somewhere else where the criminal can receive the merchandise without being found later on.

18. Online activity is difficult to trace, even though each computer has a unique identifying number. Experienced criminals can alter the online appearance of their computer, and less experienced criminals can simply use the computer at the public library, a commercial facility such as FedEx, a UPS mail center, a hotel business center, etc., and enjoy complete anonymity.



19. Likewise, a criminal can use a telephone anywhere other than their home and enjoy anonymity. Prepaid cellular telephones are often purchased in fictitious names (or in the name of the victim) and then used to perpetrate fraud.

20. No matter how the criminal chooses to carry out their identity theft or credit card or debit card crime, it is usually impossible to trace the crime back to a particular piece of leaked data. (An exception to this could be a large-scale data intrusion or data loss that can be pointed to as a source of the initial personal confidential financial information.) An obvious reason for this is that normally there is no record of personal confidential financial information being lost or stolen.

21. Another factor that makes it difficult to trace the source of a financial or identity theft crime is that the original personal confidential financial information that is obtained by the criminal can be used to obtain further personal confidential financial and personal information from the victim and from other sources as well, such as from a fraudulently obtained credit report.

22. It has been argued that a criminal cannot make a purchase with solely a few digits of a credit card number. The problem with jumping from this reasoning to the conclusion that ignoring FACTA's account number truncation requirements on receipts can result in no harm to a consumer is that it fails to incorporate the obvious manner of operation of many criminals, such as phishing telephone calls or emails that lead to the criminal obtaining additional personal confidential financial information that leads to a full account number, address, etc., that they need to make purchases and to probe for further personal confidential financial information that can be used to cause damage to the victim.

23. The fact that a criminal cannot make a purchase with only ten digits of a credit or debit card number does not mean that the ten digits is useless to a criminal because knowledge of ten digits adds a level of authenticity to the

criminal's inquiry when he seeks further personal confidential financial information through pretextual telephone calling or phishing e-mails. Criminals actively buy and sell credit card and debit card numbers.

24. After reviewing the documents, it is obvious to me, and it is my opinion that the Defendant created a risk of violating FACTA's truncation requirement that was so obvious it should be known. This is evidenced by the fact that Defendant was aware of FACTA's truncation requirement for years, the truncation requirement is simple and straightforward, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] and the fact that so many other businesses did timely adjust and monitor their IT systems to properly truncate credit card account numbers since before the December 4, 2006, deadline which was three years after FACTA was signed into law.

25. It is my opinion that the Defendant failed to comply with the requirements of the merchant banks, including American Express, which requires compliance with FACTA, when it failed to properly truncate its receipts, such as it failed to do in this case.

26. It is my opinion that the Defendant failed to adequately train and supervise its employees regarding the need to comply with FACTA.

27. The Defendant's failure to adequately monitor its point of sale systems, whether by electronic review of its systems or by simply requiring a manager or employee to check the receipts from time to time, evinces a lack of oversight that significantly deviates from generally accepted industry standard practices and from the Defendant's own contractual agreements with American Express.



28. Additionally, it is my opinion that the Defendant failed to comply with PCI DSS (Payment Card Industry Data Security Standard) Requirement 3.1. The testing procedures for PCI DSS 3.1 require the Defendants to obtain and examine written policies. It is clear that any written policy, to the extent that it exists, was either not followed or not sufficient to adequately monitor the point of sale systems to insure compliance. The testing procedure also requires the Defendants to examine displays of personal account numbers on screen or on paper receipts. It is apparent that this procedure was not followed by the Defendant, as required by contract. Had the Defendants complied with the pertinent sections of the contract, its customers would have had better protection from financial and personal damages than they had due to the Defendants' failure to comply.

29. In any event, and regardless of the source of the software, the Defendant periodically should have tested the software to make sure that it initially was doing the job for which it was intended, and on an on-going basis to make sure that any upgrades or other changes in the system did not negatively affect the performance of the system.

30. It is my opinion that it was extremely careless and reckless for the Defendant to fail to use even slight care in implementing and monitoring changes to its IT system knowing full well that it was risking serious consequences not only to its customers but to itself as well.

31. Certainly the Defendant received notices about the requirements of FACTA, including notices sent to all merchants not only by American Express but also by Visa and MasterCard.

32. Defendant's apparently widespread violation of FACTA was not an accident but rather was simply a failure or refusal to act when it should have.

33. It is my professional opinion that it was foreseeable that the Defendants' indifference to the consequences of its failure to take the actions required to bring

its IT system into compliance with the requirements of FACTA and to monitor its systems for compliance could result in serious financial and personal damages to its customers. It has been my experience that any type of business in the same position as the Defendant would choose to take the legally required actions to bring its IT system into compliance with FACTA; and it is my further professional opinion that it is a gross deviation from industry standard practices for a business to fail to take these actions knowing full well that the consequences of its failure to comply with FACTA and its failure to act would potentially cause financial and personal damages to its customers.

34. The claim that is sometimes made that the inclusion of additional credit card account number digits over FACTA's truncation requirements on a credit card receipt can do no harm is without question a "head-in-the-sand" attitude that excludes human logic. Based upon my experience in the industry, it is obvious to me that including ten digits of a credit card number on a receipt provides a criminal intent on committing credit card fraud or identity theft or pretext calling to gain further personal confidential financial information with yet one more tool and one more factor to increase their appearance of credibility when making pretext calls or when sending phishing e-mails.

35. On September 19, 2007, it was reported in *Information Week* that hackers breached the network of Vertical Web Media, the publisher of *Internet Retailer* magazine and stole customer information including credit card account numbers.

36. Further evidence of the importance of credit card account numbers to criminals can be found in an August 16, 2006, FDIC Consumer Alert Number SA-220-2006 that clearly states a warning that criminals have been emailing bank customers claiming to be the FDIC and seeking various personal confidential financial information including credit card account numbers.

37. A Social Security Administration News Release dated February 17, 2006, warned of a bogus Social Security website that was set up by criminals to collect specific personal confidential financial information including credit card account numbers.

38. Experian's consumer information website states the following: "A stolen account number can often be just as effective for a criminal as a stolen credit card, especially if information such as the expiration date or your billing address is also available to him or her." In this particular case, the credit card holder was identified, and her address was easily obtainable through a simple Google search, as my inquiry proved.

39. The Federal Trade Commission has defined "identity theft" under FACTA as "a fraud committed or attempted using the identifying information of another person without authority." 16 C.F.R. § 603.2(a). "Identifying information" means "any name or number that may be used, alone *or in conjunction* with any other information, to identify a specific person" and includes, *inter alia*, "[t]elecommunication identifying information or access device (as defined in 18 U.S.C. 1029(e).") 16 C.F.R. § 603.2 (emphasis added). 18 U.S.C. § 1029(e), for its part, defines "access device" as "any card, . . . or other means of account access that can be used, alone or in conjunction with another access device, to obtain money, goods, services, or any other thing of value, or that can be used to initiate a transfer of funds . . . ." Under the FTC's definition, one's entire identity does not have to be stolen for identity theft to occur. Indeed, a fraud does not even have to occur – an attempted fraud using another's identifying information suffices. The statutory definitions above make clear that Congress recognizes that identity theft and credit card fraud are often accomplished using different pieces of information, making the point that to focus solely on a single illegal receipt containing excess information that might not *alone* be used to process a credit card transaction is

wrong since the information on the receipt can be used to obtain additional personal confidential financial information. Each piece of the puzzle is important.

40. The claim is also made that partially, but inadequately, truncated credit card numbers cannot be used to open new accounts. Once again, this overlooks the obvious fact that FACTA requires the partial truncation or redaction of credit card account numbers and the complete truncation or redaction of expiration dates, and also totally misses the point, which is that a credit card number (or the four-digit or five-digit portion of a credit card number) gives a pretext caller or e-mail phishing criminal added credibility when probing the card holder by phishing or other pretextual contact for additional personal confidential financial information. Whether new accounts can be opened using solely truncated credit card account numbers misses the point. The issue here is not whether the Defendant's conduct alone necessarily allows someone to assume the identity of another, but rather whether FACTA has been violated, and that the Defendant's failure to follow the law increases the ability of would-be identity thieves and credit card fraud perpetrators to commit identity theft, including credit card fraud, and helps the criminals obtain further personal confidential financial information.

41. Another claim often made is that a criminal has to have a credit card in hand in order to make a "credit card present" purchase. However, it is a well known fact that one of the primary methods for committing credit card fraud is for a criminal to obtain a cardholder's primary account number through the phishing means described in this report, and then make a new fake credit card to use when making purchases in person.

42. A June 2007 GAO report pointed out that 2,900 people experienced the fraudulent creation of new accounts as a result of the ChoicePoint, Inc., data intrusion in 2005 that provided criminals with the same data that they can obtain from a victim and other sources such as a credit bureau if they have the added



credibility of knowing four or five digits of a credit card account number. (United States Government, General Accountability Office, Report titled “Personal Information, Data Breaches are Frequent, but Evidence of Identity Theft is Limited; However, the Full Extent is Unknown.” June 2007.)

43. An October 22, 2007, article in *Information Week* magazine states that a study just released by Utica College's Center for Identify Management and Information Protection stated that the average overall loss from an identity theft event is \$31,356. And it is a fact that these losses are a reduction of profits for whoever has to absorb them, and that they are reflected in higher prices for everyone that purchases goods and services.

44. It is important to note the fact that credit card fraud and identity theft criminals often operate by stealing bags of trash or “dumpster diving” which typically provides them with more information than just what they have on an illegally truncated receipt. With a consumer’s name, credit card number (from a discarded statement or illegally truncated receipt), and address from an illegally truncated receipt, a criminal is prepared to carry out further illegal and financially damaging activities. With the wealth of information presented on the subject receipt in this case, a criminal already has ten, *i.e.*, most of the credit card holder’s card number including the check digit, the credit card holder’s name, card type, city and possible area of town; and as demonstrated *supra*, armed with all of the information contained on the subject receipt, the criminal has enough information to do a simple Google search which would yield the cardholder’s full name, address, telephone number, profession, employer, education, and possibly other information that further Google searches would yield.

45. As for the issue of differentiating between personal or consumer credit cards and commercial or business credit cards, this is easy for a merchant to accomplish since the two types of credit cards have four distinct differences:

(1) A business or commercial credit card typically has the name of the business embossed on the front of the credit card along with the name of the specific user of that particular credit card. Every business credit card that I have ever seen has had the name of the business embossed on the front of the credit card, and none of the personal credit cards that I have ever seen have had the name of a business embossed on them.

(2) A Business or commercial credit card has “Business” or “Commercial” or some similar term printed on the face of the credit card so that on an in-person purchase, it would be clearly visible not only to the user of the card but also clearly visible to the merchant accepting the card for a purchase. Every business credit card I have ever seen has had “Business” or “Commercial” written on the front of it.

(3) Business and commercial cards have different Bank Identification Numbers (“BIN”) from consumer or personal cards. The BIN is the first six digits of a credit or debit card number. The BIN represents 1) the issuing bank (Chase, Bank of America, etc.); 2) brand of the card (i.e., American Express, MasterCard, Visa, or Discover, 3) the specific type of card within the consumer card category or within the commercial (business) and 4) whether it is a credit or debit card. As an example to demonstrate the ease of checking this, I personally have two InterContinental Hotels Group Rewards Club MasterCards, both issued by Chase Bank USA, N.A. One card is a personal card with a BIN of 540168 and the other is a business card with a BIN of 558250. When I entered each of these BIN numbers into the online BIN database <https://www.bindb.com/bin-database.html>, it reported back correctly that the 540168 BIN card is a personal card and the 558250 BIN card is a business card.

(4) The BINs relating to the transaction at issue in this case could simply be cross referenced with the BIN information obtained either through public sites or



directly from each of the brands to check whether any particular card is a consumer or business card.

(5) In addition, business and commercial cards have different interchange (Visa and MasterCard), or merchant or discount fees (American Express and Discover), depending upon whatever they are called by the particular card company.

46. A merchant's internal reports reflect the different interchange-merchant-discount rates paid on each transaction, and it is evident on the report that there is a different rate for personal and business card transactions, making the two types of cards easy to identify.

47. Similarly, the transaction details that Defendant possesses can be cross-referenced with the issuing banks to identify the name and address of the cardholder. For example, this process was utilized recently in the following cases to obtain the class list needed to send direct mail notice to the classes in *Legg v. Spirit Airlines, Inc.*, 315 F.R.D. 383 (S.D. Fla. 2015); *Legg v. Lab. Corp. of Am. Holdings*, 14-61543-CIV-Rosenberg/Brannon, 2016 U.S. Dist. LEXIS 122695 (S.D. Fla. Feb. 18, 2016); *Muransky v. Godiva Chocolatier, Inc.*, 15-cv-60716-WPD, 2016 U.S. Dist. LEXIS 133695 (S.D. Fla. Sept. 28, 2016); *Kirchein v Pet Supermarket*, 16-cv-60090-RNS (S.D. Fla. 2017) (ECF No. 35). In those cases, plaintiff's counsel subpoenaed the issuing banks to cross reference the transaction data from the various defendants to identify the names and addresses of the class members.

48. I understand that Plaintiff has not been provided all the class data related to all the receipts printed by the merchant involved in this case, and I reserve the right to review and amend or supplement my opinions if I am provided with additional information. However, based on the class data I was provided, which comprises one receipt issued at the White House Black Market, Inc., store at

Phipps Mall in Atlanta, Georgia, it is my opinion that Defendants' database and transaction summary information should easily identify each individual who received a receipt without the credit card number being properly masked.

### **Conclusion**

49. In summary, it is important to keep in mind several facts, such as (1) A hacker can produce a working credit card number from the first six digits and the last four digits of a credit card number, (2) The final digit in a credit card number is a check digit, and (3) A hacker can use the unusually large amount of information contained on the subject receipt and Internet searches based upon the information contained on the receipt to initiate phishing or pretextual telephone calls, mail inquiries, Internet inquiries and possibly other means for the purpose of obtaining further personal confidential financial information from the card holder. Armed with a cardholder's personal confidential financial information, a criminal has many avenues that he can pursue to cause serious financial damage to a cardholder.

50. The Defendant clearly acted unreasonably in not obtaining and maintaining IT systems that would comply with FACTA's requirements that were passed into law by Congress in 2003 and went into effect in 2006. The Defendant could have easily ensured its IT systems complied with FACTA before using them in the U.S.; but it apparently chose not to, and exposed its customers and itself to possible criminal actions.



Don Coker

*N.B.: The opinions and conclusions contained in this report apply exclusively to the specific circumstances and facts in this particular case and also in the context presented, and they cannot be applied to other circumstances or facts or out of context.*

## **Materials Reviewed**

Counsel has provided me with the following materials which I have reviewed in arriving at my conclusions in this assignment:

### **Court Filed Documents**

Complaint.

### **Miscellaneous Documents**

American Express Merchant Rules – U.S., October 2014.

Receipt dated May 16, 2015.

Other reference materials cited in the report text or footnoted.

<https://www.bindb.com/bin-database.html>.

Stipulation and Protective Order Regarding Confidential Information.

Defendant's Amended and Supplemental Objections and Responses to Plaintiff's First Set of Interrogatories

Defendant's Second Amended and Supplemental Objections and Responses to Plaintiff's First Set of Interrogatories

Defendant's Amended and Supplemental Objections and Responses to Plaintiff's First Requests for Admission

Sample of Transaction Data

Should any new pertinent information be developed during the course of this litigation, I hereby reserve the right to examine such information, and, if required, amend or supplement my opinions.

## **Deposition and Trial Testimonies in Last Four Years**

Signature Industrial Services, LLC v. International Paper Co.  
TX – 2017

Industrial Park Development Corp. v. Bank of America, NA  
FL - 2017

7200 Chimney Corners, LLC, v. BBVA Compass Bank  
TX - 2017

PMJ Capital Corp., v. Central Jersey Airport Services  
NJ - 2017

Shakarov and ARI Properties, LLC v. Khavasov  
NY - 2017

Flaum v. Subway  
FL - 2017

Elliott v. Specialized Loan Servicing  
GA - 2016

Joye v. Columbia Bank  
FL - 2016

CPM Federal Credit Union v. Lockwood and Thackston  
SC - 2016

Triangle Construction Co. v. Hancock Bank  
MS – 2016

Sak v. ABC Financial  
AL - 2016

Village Lindo Paseo v. Campus Advantage, Inc.  
CA - 2015

Village Lindo Paseo v. Campus Advantage, Inc.  
CA - 2015

MacLean & Ema v. SunTrust Bank  
FL – 2015

Legg v. LabCorp  
FL - 2015

PNC Bank v. Smith, Nature’s Pearl, and Le Bleu  
NC – 2015

PNC Bank v. Rice-Marko  
SC - 2015

Szuliks v. State Street Bank and Trust Company  
MA - 2015

Hyatt v. Bank of America  
FL - 2014

Mozingo + Wallace v. Horry County State Bank  
SC - 2014

Alexander v. Golden Nugget Casino  
NV – 2014

Pleasant Valley Biofuels, LLC, v. Sanchez-Medina Law Firm  
FL – 2014

Marburger v. Ally Financial  
NC - 2014

Marburger v. Ally Financial  
NC – 2014

Verotel International Industries, Inc. v. Rizal Commercial Banking Corporation  
CA - 2013

FNB Bank v. Park National Bank  
AL - 2013

U.S. Bank v. Oaks Square Joint Venture  
FL - 2013

U.S. Bank v. Oaks Square Joint Venture  
FL - 2013

SunTrust Mortgage, Inc., v. Taylor Morrison Home Funding, LLC  
VA - 2013

Franklin Collection Service, Inc., v. BancorpSouth Bank  
MS - 2013

Vala v. Marine Bank  
IL - 2013

Synovus Bank v. Garvey  
NC - 2013



**Curriculum Vitae**

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## REPRESENTATIVE CLIENT LIST

### **BANKS - DOMESTIC:**

AMERICAN SAVINGS & LOAN  
 BANCORPSOUTH BANK  
 BANK INSURANCE & SECURITIES ASS'N.  
 BANK OF AMERICA  
 BANK OF BENTONVILLE, AR (ARVEST BANK)  
 BANK OF OKLAHOMA  
 BANK OF THE SOUTHWEST  
 BANK ONE (NOW JPMORGAN CHASE BANK)  
 BARNETT BANKS, INC.  
 BBVA COMPASS BANK  
 BEAL BANK  
 BLUEBONNET SAVINGS  
 CAPITAL CITY BANK (TALLAHASSEE)  
 CAPITAL ONE FINANCIAL CORPORATION  
 CHARTER ONE BANK, N.A. (CLEVELAND)  
 CITIGROUP  
 CITIZENS BANK OF PENNSYLVANIA  
 COMMUNITY NATIONAL BANK (TEXAS)  
 CPM FEDERAL CREDIT UNION  
 DEUTSCHE BANK  
 EMBASSY NATIONAL BANK  
 EQUITY TRUST COMPANY (SD & OH)  
 EVERBANK  
 FAIRWINDS CREDIT UNION  
 FIFTH THIRD BANK  
 FIRST ALLIANCE BANK (TN)  
 FIRST BANK, TALLAHASSEE, FL  
 FIRST NATIONAL BANK OF BREWTON  
 FIRST NATIONAL BANK OF PALM BEACH  
 FIRST NATIONAL BANK OF SAN MARCOS, TX  
 FIRST TENNESSEE BANK, N.A.  
 FIRST UNION BANK  
 FIRSTAR BANK, N.A.  
 FLAGSTAR BANK, FSB  
 HAVEN TRUST BANK  
 HSBC BANK USA, N.A.  
 INDYMAC BANK, F.S.B.  
 IOWA TRUST & SAVINGS BANK  
 JPMORGAN CHASE BANK, N.A.  
 KEYCORP  
 LEHMAN BROTHERS BANK, FSB  
 LIBERTY BANK & TRUST CO., NEW ORLEANS  
 MARINE BANK (IL)  
 MBNA AMERICA BANK

MIAMI SAVINGS BANK  
 MIDLAND BANCSHARES, INC.  
 NATIONAL CITY (BANK) CORPORATION  
 NATIONS BANK  
 NEW SOUTH FEDERAL SAVINGS BANK  
 NORTH FORK BANK, NY  
 NORTHERN TIER FEDERAL CREDIT UNION  
 NORTHSHORE BANK, TX  
 (THE) OHIO STATE BANK  
 PANAMERICAN BANK  
 PARADISE BANK  
 PARK NATIONAL BANK (OH)  
 PENSICO TRUST COMPANY  
 PLANTATION FEDERAL BANK  
 PNC BANK  
 (THE) PROVIDENT BANK, (OH)  
 (NOW PNC BANK)  
 (THE) PROVIDENT BANK (NJ)  
 RBS CITIZENS, N.A.  
 REGENT BANK (FL)  
 REPUBLIC SECURITY BANK (FL)  
 SECURITY FEDERAL BANK, SC  
 SOUTHEAST BANK OF MIAMI, FL  
 SOUTHERN SECURITY BANK  
 SOUTHERN SECURITY, F.C.U., TN  
 SOUTH TRUST BANK  
 STANDARD PACIFIC SAVINGS BANK  
 STAR BANK, N.A.  
 STATE FARM BANK, F.S.B.  
 SUN BELT FEDERAL BANK, F.S.B.  
 SUNBELT SAVINGS (NOW BANK OF AMERICA)  
 SUN TRUST BANK  
 TEXAS STATE BANK (NOW COMPASS BANK)  
 TIDELANDS BANK  
 TRUST COMPANY OF AMERICA  
 UNITED BANK & TRUST CO. (KY)  
 US BANK, N.A. (US BANCORP)  
 VISION BANK  
 WACHOVIA BANK  
 WASHINGTON MUTUAL BANK  
 WELLS FARGO BANK  
 WESTERN GULF SAVINGS & LOAN  
 (NOW WELLS FARGO BANK)  
 WILLIAM E. WOOD & ASSOCIATES  
 (RE: TOWNE BANK, VA)

**BANKS – GOVERNMENTAL:**

BANK OF TANZANIA (CENTRAL BANK)  
FARM CREDIT BANK  
FEDERAL RESERVE BANK OF ATLANTA  
FEDERAL RESERVE BANK OF CLEVELAND  
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**BANKS – FOREIGN:**

ALPHA BANK ROMANIA  
AUTOVAZBANK (TAGLIATTI, RUSSIA)  
BANCO BILBAO VIZCAYA ARGENTARIA  
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BANCO INDUSTRIAL DE VENEZUELA  
BANCOMER, S.A. (MEXICO)  
BANK OF AMERICA - CANADA  
BAYERISCHE HYPO-UND VEREINSBANK AG  
(MUNICH, GERMANY)  
CHINA CONSTRUCTION BANK (BEIJING)  
CREDIT SUISSE  
RIZAL COMMERCIAL BANKING CORP. (PHIL.)  
ROYAL BANK OF CANADA  
ROYAL BANK OF SCOTLAND GROUP, PLC  
TANZANIA INSTITUTE OF BANKERS  
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     INSURANCE AUTHORITY  
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 CONTINENTAL CASUALTY INSURANCE CO.  
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     INTERMEDIARIES CLUB, LTD., UK  
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 MILITARY PREMIUM MANAGERS  
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 NATIONWIDE MUTUAL INSURANCE CO.  
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 NORTH RIVER INSURANCE CO.  
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 PHYSICIANS MUTUAL INSURANCE CO.  
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 SENTRY SELECT INSURANCE COMPANY  
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 ZURICH NORTH AMERICA COMPANIES

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 BOSTON CONSULTING GROUP – DUBAI, UAE  
 CHINA CINDA ASSET MANAGEMENT CORP.  
 CONFIRMIT (OSLO) (PIN DEBIT NETWORKS)  
 EXTRAORDINARY COMMISSIONER OF  
     PARMALAT, S.P.A. (ITALY)  
 HITACHI DATA SYSTEMS (BRANDING)  
 HVB STRUCTURED FINANCE, INC.  
 INSTITUTE FOR STOCK MARKET AND  
     MANAGEMENT (MOSCOW, RUSSIA)  
 INTERNATIONAL ACCOUNTING STANDARDS  
     BOARD FOUNDATION (LONDON)  
 INTERNATIONAL MONETARY FUND  
 KAWASAKI  
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 LEGEND HOLDINGS (BEIJING, CHINA)  
 MCKINSEY & CO. (SEOUL, SOUTH KOREA)  
 OLYMPIC CUBE (ATHENS, GREECE)  
 PANASONIC (TOUGHBOOK COMPUTER)  
 PHIVOS KARNAOS (LONDON & MOSCOW)  
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 TOSHIBA  
 UNITED NATIONS CONFERENCE ON TRADE  
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 UKRAINIAN ACCOUNTING REFORM PROJECT  
     (KIEV, UKRAINE)  
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     RICA & BRITISH VIRGIN ISLANDS)  
 VESTAS WIND SYSTEMS A/S (DENMARK)  
 ZAPADNOE KOLTZE (MOSCOW, RUSSIA)



**GOVERNMENTAL:**

BANK OF TANZANIA (CENTRAL BANK)  
 CITY OF BIG BEAR LAKE, CALIFORNIA  
 CITY OF INDIO, CALIFORNIA  
 CITY OF LAQUINTA, CALIFORNIA  
 CITY OF LOMA LINDA, CALIFORNIA  
 CITY OF NEW ORLEANS, LOUISIANA  
 CITY OF ORANGE, CALIFORNIA  
 CITY OF PALM DESERT, CALIFORNIA  
 CITY OF SANGER, CALIFORNIA  
 CITY OF SPRINGFIELD, MASSACHUSETTS  
 COACHELLA VALLEY JOINT POWERS  
 INSURANCE AUTHORITY (RIVERSIDE, CA)  
 FDIC  
 FEDERAL PUBLIC DEFENDER'S OFFICE,  
 FORT LAUDERDALE, FLORIDA  
 FEDERAL PUBLIC DEFENDER'S OFFICE,  
 FORT PIERCE, FLORIDA  
 FEDERAL RESERVE BANK OF ATLANTA  
 FEDERAL SAVINGS & LOAN INSUR. CORP.  
 INTERNAL REVENUE SERVICE,  
 U.S. TREASURY DEPARTMENT  
 NEW YORK GOVERNOR GEORGE PATAKI'S  
 OFFICE OF REGULATORY REFORM  
 PALM DESERT REDEVELOPMENT AGENCY,  
 RIVERSIDE COUNTY, CALIFORNIA  
 RESOLUTION TRUST CORP.  
 SENATOR ADLAH DONASTORG (USVI)  
 SENATOR RONALD E. RUSSELL (USVI)  
 SPRINGFIELD (MASS.) LEADERSHIP INSTITUTE  
 SPRINGFIELD (MASS.) PUBLIC SCHOOLS  
 STATE OF TEXAS, SAVINGS & LOAN  
 DEPARTMENT (REGULATORS)  
 TANZANIA REVENUE AUTHORITY  
 U.S. AGENCY FOR INTERNATIONAL  
 DEVELOPMENT (WASHINGTON, D.C.;  
 KIEV, UKRAINE; MOSCOW, RUSSIA)  
 U.S. AIR FORCE (GUANTANAMO BAY, CUBA)  
 JUDGE ADVOCATE GENERAL'S CORPS  
 OFFICE OF SPECIAL INVESTIGATIONS  
 U.S. DEPARTMENT OF EDUCATION,  
 INSPECTOR GENERAL'S OFFICE  
 U.S. SMALL BUSINESS ADMINISTRATION  
 UNITED NATIONS CONFERENCE ON TRADE  
 & DEVELOPMENT  
 WELD COUNTY, COLORADO

**AUTOMOTIVE & TRUCKING:**

AUTOMOTIVE TRANSFERS, INC.  
 FORD MOTOR CREDIT COMPANY  
 FOREST RIVER, INC. (A WARREN BUFFETT,  
 BERKSHIRE HATHAWAY COMPANY)  
 GLAVAL BUS  
 HONDA OF THE AVENUES  
 IMPORT SPECIALISTS  
 LOU SOBH AUTOMOTIVE OF JACKSONVILLE  
 MARBURGER AUTOMOTIVE GROUP  
 MARCHESI CHEVROLET  
 NAPA AUTO PARTS  
 SAIA (TRUCKING)  
 SHELBY MOTORS, LLC  
 SOUTHERN FREIGHT, INC.  
 SPECIALTY MOTOR CARS  
 ST. MICHAEL MOTOR EXPRESS, INC.  
 TIM MARBURGER DODGE CHRYSLER JEEP  
 TL OF FLORIDA, INC. (TEREX & SCANIA)  
 TRANS LINK MOTOR EXPRESS, INC.  
 VALVOLINE OIL (MARKETING)

**COMPUTERS, IT, TELCOM, SOFTWARE:**

ADDSTOR SOFTWARE  
 ALPHA SOFTWARE  
 BENCHMARKING PARTNERS  
 BRODERBUND SOFTWARE  
 BUTTONWARE SOFTWARE (PC CALC+)  
 CISCO SYSTEMS  
 COMPUTER ASSOCIATES  
 CRIMSON CONSULTING (SOFTWARE TESTING)  
 DATAEASE INTERNATIONAL  
 ECONOMIST INTELLIGENCE UNIT –  
 IT COLLABORATION SYSTEMS  
 HEWLETT PACKARD, INTEL BLADE SERVERS  
 IBM – LOTUS DEVELOPMENT  
 IN-STAT MARKET DATA RESEARCH (WANS)  
 INTUIT, INC  
 KEYTRONICS  
 MICROSOFT – OFFICE/VISIO  
 NBI SOFTWARE  
 NETWORK SOFTWARE ASSOCIATES  
 PEOPLESOFT, INC.  
 PROVIDEDPATH SOFTWARE, INC.  
 QWEST (TELEPHONY)  
 SAP AMERICAS, INC.  
 SPRINT/NEXTEL  
 SUNGARD AVAILABILITY SERVICES (IT)  
 SYNOVATE RESEARCH (IT)  
 TIMEWORKS SOFTWARE  
 WORDSTAR

**ESTATES AND TRUSTS:**

SIDNEY D. ALPERT TRUST  
 WARREN ASHMANN RETIREMENT TRUST  
 AUTREY FAMILY TRUST  
 PENSICO TRUST – DEBORAH BARBER  
 PENSICO TRUST – KENNETH BARBER  
 VINCENT C. BASH ESTATE  
 VINCENT C. BASH IRREVOCABLE TRUST  
 VINCENT C. BASH REVOCABLE TRUST  
 BINGHAM TRUST  
 PENSICO TRUST – BINGHAM  
 JAMES W. BORG ESTATES  
 MARY BORG ESTATE  
 THOMAS W. BOWEN REVOCABLE TRUST  
 BARRY BRUCKER ESTATE  
 REBECCA BELL BUDD IRREVOCABLE TRUST  
 SAMANTHA RENEE BUDD IRREVOCABLE TR.  
 CHICKERING TRUST  
 DAVID B. CLAYTON ESTATE  
 STELLA E. COFFMAN LIVING TRUST  
 PAUL E. COHAN REVOCABLE TRUST  
 AIDEN COUCH ESTATE  
 EQUITY TRUST COMPANY FBO CUSIMANO  
 JOSEPH DAVID ESTATE  
 GEORGE DELP ESTATE  
 GRACE DELP ESTATE  
 MAUREEN S. DEMARCO REVOCABLE TRUST  
 DUCHESNE ESTATE  
 PENSICO TRUST – FRY  
 JOHN & PAMELA FRY REVOCABLE TRUST  
 ESTATE OF CHRISTINE C. GARNER  
 ESTATE OF ELSINORE MACHRIS GILLILAND  
 DONALD GRAGG TRUST  
 GRIFFIN ESTATE  
 JEANETTE HARRIS ESTATE  
 HARLEAN J. HART LIVING TRUST  
 CLIFFORD R. HAYES IRREVOCABLE TRUST  
 ESTATE OF WILLIAM R. HEVEDER, SR.  
 INFINITY TRUST  
 HELEN JAFFA FAMILY TRUST  
 HOMESTAR DEFINED BEN. PENSION PLAN  
 IRA RESOURCES FBO DOHREN JONES  
 J. EXCLUSIVES IRREVOCABLE TRUST  
 HULDA JORDY ESTATE  
 MAGDALENA JORDY ESTATE  
 CONSERVATOR FOR LAUREN KAVAJECZ  
 EQUITY TRUST COMPANY FBO KRYMIS  
 STERLING TRUST CO. FBO LENETS  
 MELVIN L. LEVIN 1992 TRUST  
 PENSICO TRUST – LILLO

STERLING TRUST CO. FBO LINGLE  
 DIANNE LUCKETT SELF-DIRECTED TRUST  
 TRUST CO. OF AMERICA FBO MALONE  
 JEANNE C. MAULDIN ESTATE  
 CURTIS MAYFIELD ESTATE  
 CURTIS MAYFIELD REVOCABLE TRUST  
 HELLEN KASEY MILLER TRUST  
 MORAN TRUST  
 PERLMUTTER FAMILY REVOCABLE TRUST  
 GLORIA J. PLOURDE TRUST  
 REK TRUST  
 ROGER A. NELSON PROFIT-SHARING PLAN  
 ROGERS ESTATE  
 MARVIN ROSE IRREVOCABLE TRUST  
 RONALD E. SCHERER, SR., TRUST  
 PENSICO TRUST – SCHRECK  
 BEATRICE SHERTER 1989 FAMILY TRUST  
 SLS REALTY TRUST  
 LAURA L. SPINTI TRUST  
 BRADLEY & BRIAN STEPHENS TRUST  
 BRIAN STEPHENS TRUST  
 STEPHENS FAMILY TRUST  
 BRENDAN SZULIK REVOCABLE TRUST  
 KATTLIN SZULIK REVOCABLE TRUST  
 KEENAN SZULIK REVOCABLE TRUST  
 RAYMOND W. SZULIK REVOCABLE TRUST  
 LINDA SCHERER TALBOTT TRUST  
 TAYLOR CHARITABLE REMAINDER UNITRUST  
 THOMAS ESTATE  
 TRUE FAMILY INTERVIVOS TRUST  
 SANDRA D. WALKER REVOCABLE TRUST  
 WENDELL R. WALKER REVOCABLE TRUST  
 IRA RESOURCES FBO DAVID WASKO  
 TRUST CO. OF AMERICA FBO WASKO IRA  
 WILLIAM F. WEBER TRUST  
 JOHN C. WERK ESTATE (COCA-COLA HEIR)  
 WHITE FAMILY TRUST  
 KATHRYN M. YATES REVOCABLE TRUST  
 CATHERINE YOB ESTATE  
 RUDOLPH YOB ESTATE  
 ALEXANDER R. ZHEUTLIN TRUST  
 JEFFREY D. ZHEUTLIN TRUST  
 MARILYN C. ZHEUTLIN LIVING TRUST

**OTHER CLIENTS:**

70 OF THE COUNTRY'S TOP 400 LAW FIRMS  
650+ LAW FIRMS

900 SMALL BUSINESS OWNERS IN NEW  
ORLEANS' LOWER 9<sup>TH</sup> WARD AND  
ST. BERNARD PARISH DAMAGED  
BY THE INGRAM BARGE DURING  
HURRICANE KATRINA

ADMIRAL SECURITY  
AMERICAN CONSOLIDATED CREDIT  
AMERICAN TRADE SYSTEM COOPERATIVE  
ANCO MERCHANDISING  
ANDY BEAL, FORBES 400 LIST  
ASHLAND, INC.  
BBC INTERNATIONAL  
BIG EASY MANAGEMENT CORPORATION  
CALCO AEROSPACE  
CERTIFIED H. R. SERVICES, INC.  
CHEMONICS INTERNATIONAL  
CHRISTIAN BAY SHIPPING COMPANY  
CLUB MANSION  
COLORBAY, LLC  
CONCORD BOAT CORP.  
LEON G. COOPERMAN, FORBES 400 LIST  
CREDITCARE CREDIT COUNSELING  
CSG INVESTMENTS, INC.  
THE CURA GROUP, INC.  
DARRYL'S RESTAURANTS  
DAVIS-LYNCH, INC.  
DR. RICHARD DOMBROFF  
EDUCATION CENTRAL, INC. (USVI)  
EMERGENT SOLUTIONS GROUP, LLC  
ENCORE CAPITAL GROUP, INC.  
ESSEX 3 TABULATIONS  
EVERGREEN PULP, INC.  
FILLETTE GREEN SHIPPING  
FLEMING ELECTRIC CO.  
FRANKLIN COLLECTION SERVICE, INC.  
FRAUD DISCOVERY INSTITUTE  
FREMONT REORGANIZING CORPORATION  
GBS FORMS & SYSTEMS  
JAMES GOODNIGHT, FORBES 400 LIST  
GREENBELT CLAIMS RECOVERY , LLC  
HAWK GROUP

HOULIHAN'S RESTAURANTS  
HUNDREDS OF INDIVIDUALS AND FAMILIES  
INTERNATIONAL BUSINESS MACHINES CORP.  
(IBM)  
INTERNATIONAL PAYOUT SYSTEMS, INC.  
INVERELLE, INC.  
JANCIK CONCRETE SPECIALTIES  
GEORGE B. KAISER, FORBES 400 LIST  
LE BLEU CORP. (BOTTLED WATER)  
LITTLE TYKES LEARNING ACADEMY  
LPS FIELD SERVICES, INC., F/K/A  
FIDELITY NATIONAL FIELD SERVICES, INC.  
MIDAS FINANCIALS  
MIDLAND CREDIT MANAGEMENT, INC.  
MIDLAND FUNDING NCC-2 CORPORATION  
MIDLAND FUNDING, LLC  
MIDWEST MERGER MANAGEMENT  
MONTGOMERY CAPITAL ADVISORS, LLC  
MORRISON'S CAFETERIAS  
MRC RECEIVABLES CORPORATION  
NATURE'S PEARL CORP.  
OPERATIVE PLASTERERS & CEMENT MASONS  
INTERNATIONAL ASSOCIATION  
OWNBEY OIL COMPANY  
PETRA FINANCE, LLC  
PLEASANT VALLEY BIOFUELS, LLC  
RADIO ENGINEERING INDUSTRIES, INC.  
REMINGTON INVESTMENTS  
RESULTS TECHNOLOGIES, INC.  
REYNOLDS LUMBER COMPANY  
SANSBURY ACE HARDWARE  
SEARS  
SIGNATURE REORGANIZING CORPORATION  
SOTHEBY'S  
SOUTHGATE MASTER FUND, LLC  
SPECTRUM FINANCIAL GROUP  
STAR ISLAND ENTERTAINMENT, LLC  
STUCKEY DIAMONDS, INC.  
TAX EXPRESS INCOME TAX SERVICES  
TEKNOLOGI, LLC  
GARY THARALDSON, FORBES 400 LIST  
TRANSCONTINENTAL PRODUCTS & SERVICES  
TRUST COMPANY OF AMERICA  
WAL-MART STORES, INC.  
WERK FAMILY (COCA-COLA HEIRS)  
WESTAT, INC.



**RESEARCH, CONSULTING, REFERRAL:**

ADVANTUS GLOBAL, INC.  
ANSWERS RESEARCH, INC.  
(THE) BOSTON CONSULTING GROUP  
CELENT, LLC  
CIRCLE OF EXPERTS  
EVALUSERVE  
(THE) FORENSIS GROUP  
FORRESTER RESEARCH, INC.  
GERSON LEHRMAN GROUP (NEW YORK,  
AUSTIN, WASHINGTON, D.C.,  
HONG KONG, CHINA)  
GfK CUSTOM RESEARCH  
GUIDEPOINT GLOBAL ADVISORS  
HEWLETT-PACKARD CO. (WAS BEI GOLEMBE  
CONSULTANTS, LATER EDS)  
KAISER ASSOCIATES, INC.  
LIGHTSPEED RESEARCH  
M/A/R/C RESEARCH (HEALTH INSURANCE)  
MILLWARD BROWN INTELLIQUEST  
NITRON CIRCLE OF EXPERTS  
PRIMARY INSIGHT (LONDON)  
RUSSELL RESEARCH  
STANDARD & POOR'S  
SUMMIT RESEARCH GROUP  
SURGENCY  
TECHNICAL ADVISORY SERVICES FOR  
ATTORNEYS  
TECHNICAL ASSISTANCE BUREAU  
THOMSON REUTERS  
TRIBECA INSIGHTS  
VISTA RESEARCH  
WEST SERVICES, INC.  
WESTLAW ROUND TABLE GROUP

**ACCOUNTING FIRMS:**

INTERNATIONAL ACCOUNTING STANDARDS  
BOARD FOUNDATION (LONDON)  
JUNKERMIER, CLARK, CAMPANELLA,  
STEVENS, P.C. (CPAs)

McGLADREY & PULLEN, LLP  
(CPAs)PAYROLLING.COM  
RALSTON & COMPANY, P.A., (CPAs)  
S.R. SNODGRASS, A.C., (CPAs)

**PUBLISHERS:**

BARRON'S EDUCATIONAL SOFTWARE  
BISK PUBLISHING  
CLIFF'S NOTES PUBLISHING  
FORBES MAGAZINE  
INSTITUTIONAL INVESTOR  
INTERLINK PUBLISHING GROUP, INC.  
IRWIN PROFESSIONAL PUBLISHING  
MCGRAW-HILL COMPANIES  
ORIGINATION NEWS  
PRENTICE HALL PUBLISHING  
SIMON & SCHUSTER PUBLISHING  
SOURCE MEDIA  
THOMSEN REUTERS  
WESTLAW

**NON-PROFITS:**

AMERICAN HEART ASSOCIATION  
BRAILLE INSTITUTE OF AMERICA, INC.  
THE CANCER RESEARCH FUND OF THE  
DAMON RUNYON-WALTER  
WINCHELL FOUNDATION  
CENTRAL MISSISSIPPI LEGAL SERVICES  
FUNDACION SERVICIO INTEGRAL A JOVENES  
ADOLESCENTES (ECUADOR)  
HI-DESERT MEMORIAL HOSPITAL, INC.  
INTERNATIONAL ACCOUNTING STANDARDS  
BOARD FOUNDATION (LONDON)  
LEGAL SERVICES CORPORATION OF VIRGINIA  
THE SALVATION ARMY

## **BOOKS, PUBLICATIONS & NEWS MEDIA**

### **BOOKS WRITTEN:**

1. COMPLETE GUIDE TO INCOME PROPERTY FINANCING & LOAN PACKAGING, PRENTICE HALL, 1984.
2. SELF-MANAGEMENT: A GUIDE TO CAREER ADVANCEMENT AND DEVELOPMENT, WRITTEN UNDER CONTRACT FOR PRENTICE HALL, 1985.
3. THE COMPLETE LOAN OFFICERS HANDBOOK, PRESENTLY WRITING.

### **BOOKS EDITED:**

1. COMPLETE REAL ESTATE COMPUTER WORKBOOK, TECHNICAL EDITOR, PRENTICE HALL, 1986.
2. COMMERCIAL REAL ESTATE LEASING, TECHNICAL EDITOR, PRENTICE HALL, 1987.

### **ARTICLES WRITTEN:**

1. THE CONSUMER INSTALLMENT LOAN DEPARTMENT, THE CLOCK MAGAZINE, JULY-AUG. 1970.
2. THE CUSTOMER ACCOUNTING DEPARTMENT, THE CLOCK MAGAZINE, NOV.-DECEMBER 1970.
3. THE TRUST DEPARTMENT, THE CLOCK MAGAZINE, FEBRUARY-MARCH 1971.
4. THE SAVINGS DEPARTMENT, THE CLOCK MAGAZINE, AUGUST-SEPTEMBER 1971.
5. "HOW YOU CAN HELP YOUR CLIENT GET A LOAN TO FINANCE REAL ESTATE PROJECTS," PRACTICING ATTORNEY'S NEWSLETTER, APRIL 1984.
6. "MONEY LAUNDERING: A DIRTY BUSINESS," WHITE-COLLAR CRIME REPORTER, OCT. 1991.
7. "GETTING A GRIP ON CORE DEPOSIT INTANGIBLES," AMERICAN BANKER NEWSPAPER, 1996.
8. "THE DOLLARS AND SENSE OF BUSINESS VALUATION," PUBLISHED ON THE WEBSITE OF THE AMERICAN BANK ATTORNEYS ASSOCIATION, APRIL 1996.
9. "PUTTING A CASH VALUE ON A BUSINESS," INTERVIEWED BY LAWYERS WEEKLY, MAY 6, 1996.
10. "BUSINESS VALUATION TECHNIQUES," BUSINESS LOCATOR, MAY 1996.
11. "VALUING BUSINESSES," TAB LETTER, TECHNICAL ASSISTANCE BUREAU, JUNE 1996.
12. "USING BUSINESS VALUE TO ACHIEVE AD VALOREM TAX REDUCTIONS ON COMMERCIAL REAL ESTATE PROPERTIES," JOURNAL OF PROPERTY MANAGEMENT, JUNE 1997.
13. WHAT'S WORKING IN CREDIT & COLLECTION, QUOTED RE: BANK DRAFTS, MARCH 1997.
14. "MAKING SENSE OF INTERNET STOCK VALUES," TAB LETTER, JULY 1999.
15. *THE IMPORTANCE OF CREDIT CARD EXPIRATION DATES IN FACTA LITIGATION*, PUBLISHED ON THE GERSON LEHRMAN GROUP WEBSITE, OCTOBER 29, 2007. ALSO ON WEBSITES OF HIGHTABLE.COM.
16. *A PRIMER ON SUBPRIME MORTGAGE LOANS*, WEBSITE OF TECHNICAL ADVISORY SERVICES FOR ATTORNEYS, AUGUST 20, 2008.
17. *BUSINESS VALUATION*, PUBLISHED ON TECHNICAL ADVISORY SERVICES FOR ATTORNEYS' WEBSITE, AUGUST 20, 2008.
18. *FINANCIAL COMMENTARY ON THE ECONOMY AND BANKING SECTOR*, PUBLISHED BY TASCONSULTING IN THEIR *CONSULTANT NEWSLETTER*, OCTOBER 13, 2008.
19. *INTERIM AND TEMPORARY MANAGEMENT SITUATIONS*, PUBLISHED ON THE GERSON LEHRMAN GROUP WEBSITE, DECEMBER 10, 2008.
20. *MANAGING FAILED BANKS FOR MAXIMUM ADVANTAGE*, PUBLISHED ON THE GERSON LEHRMAN GROUP WEBSITE, DECEMBER 10, 2008. ALSO PUBLISHED ON HIGHTABLE.COM.
21. *A PRIMER ON BUSINESS VALUATION*, A RE-WRITE OF AN EARLIER ARTICLE I WROTE, PUBLISHED ON THE GERSON LEHRMAN GROUP WEBSITE, DECEMBER 11, 2008. ALSO PUBLISHED ON HIGHTABLE.COM.
22. *A PRIMER ON SUBPRIME LOANS*, AN UPDATE OF AN EARLIER ARTICLE I WROTE, PUBLISHED ON THE GERSON LEHRMAN GROUP WEBSITE, DECEMBER 18, 2008.
23. COMMENTS ON THE LEGACY LOAN PROGRAM, PUBLISHED ON THE FDIC'S WEBSITE, MAR. 29, 2009.
24. *A BANKER'S GUIDE TO EFFECTIVELY MANAGING AND MARKETING FORECLOSED REAL ESTATE PROPERTIES*, PUBLISHED ON TECHNICAL ADVISORY SERVICES FOR ATTORNEYS, JUNE 26, 2009.



25. *CREDIT CARD EXPIRATION DATES AND FACTA*, PUBLISHED ON HG.ORG, JULY 9, 2009. THIS ARTICLE WAS QUOTED AND CITED BY THE HONORABLE RICHARD A. POSNER, 7<sup>TH</sup> CIRCUIT, UNITED STATES COURT OF APPEALS, IN AN OPINION RENDERED SEPTEMBER 19, 2014. WESTLAW CITE: 2014 WL 4654477 (C.A.7 (ILL.))
26. *THE FACTS ON THE FACTA CLARIFICATION ACT*, PUBLISHED ON TECHNICAL ADVISORY SERVICES FOR ATTORNEYS'S WEBSITE, JUNE 30, 2009, AND ON THE HARVARD BUSINESS SCHOOL'S EXECUTIVE EDUCATION WEBSITE ON LINKEDIN, JULY 9, 2009.
27. *A PRIMER ON INTELLECTUAL PROPERTY VALUATION*, PUBLISHED ON IP EXPERTS.COM, JULY 1, 2009, AND ON THE HARVARD BUSINESS SCHOOL'S EXECUTIVE EDUCATION WEBSITE ON LINKEDIN, JULY 9, 2009, AND A SLIGHT REVISED VERSION PUBLISHED ON THE WEBSITE OF THE ROUND TABLE GROUP, JULY 7, 2009, AND CITED ON THE WEBSITE OF JUSTIA.COM VIEWED ON MARCH 31, 2011.
28. *FRAUD AND LITIGATION INVOLVING REAL ESTATE CLOSINGS, CLOSING PROTECTION LETTERS, AND TITLE INSURANCE INDUSTRY STANDARD PRACTICES AND PROCEDURES*, PUBLISHED ON THE WEBSITE OF HG.ORG ON JULY 3, 2009; ON THE HARVARD BUSINESS SCHOOL'S EXECUTIVE EDUCATION WEBSITE ON LINKEDIN, JULY 9, 2009; ON BLOG.LAWINFO.COM; ON THE WEBSITE OF CONSOLIDATED CONSULTANTS; AND CITED ON JUSTIA.COM VIEWED MARCH 31, 2011.
29. *THE WACKY WORLD OF INTERIM MANAGEMENT*, PUBLISHED ON HG.ORG, JULY 9, 2009. ALSO PUBLISHED ON HIGHTABLE.COM.
30. *BUSINESS VALUATION FUNDAMENTALS*, PUBLISHED ON HG.ORG, JULY 9, 2009.
31. *INTERNET CHECK SCAMS THAT TARGET ATTORNEYS AND LAW FIRMS*, PUBLISHED ON HG.ORG, JULY 11, 2009. ALSO PUBLISHED ON THE WEBSITE OF THE SOUTH CAROLINA BAR ASSOCIATION, WWW.SCSMALLFIRM.COM VIEWED MARCH 31, 2011.
32. *HOW PRIVATE EQUITY FIRMS CAN PROFITABLY INVEST IN TROUBLED BANKS*, PUBLISHED ON HG.ORG, AUGUST 1, 2009.
33. *TROUBLED BANK MANAGEMENT 101: A DETAILED ANALYSIS OF AN FDIC CEASE AND DESIST ORDER*, PUBLISHED ON HG.ORG, AUGUST 6, 2009.
34. *MORTGAGE BANKING AND LOAN SERVICING INDUSTRY STANDARD PRACTICES AND PROCEDURES FOR FORCED PLACED INSURANCE*, PUBLISHED ON THE WEBSITE OF HG.ORG, AUG. 20, 2009. ALSO PUBLISHED ON ASSETCLEANOUT.WORDPRESS.COM BY MORTGAGE FIELD SERVICES.
35. *A PRIMER ON INTELLECTUAL PROPERTY AND INTANGIBLE ASSET ROYALTY RATES*, PUBLISHED ON HG.ORG, SEPTEMBER 9, 2009.
36. *BERNIE MADOFF IS A BAD, BAD MAN*, PUBLISHED ON HG.ORG, SEPTEMBER 9, 2009.
37. *MORTGAGE BANKING AND LOAN SERVICING INDUSTRY STANDARD PRACTICES AND PROCEDURES TO CONSIDER WHEN DEFENDING WRONGFUL FORECLOSURE CASES*, PUBLISHED ON HG.ORG, SEPT. 10, 2009.
38. *TOXIC BANK ASSET VALUATION PRINCIPLES*, PUBLISHED ON HG.ORG, SEPTEMBER 13, 2009.
39. *MORTGAGE BANKING AND MORTGAGE LOAN SERVICING INDUSTRY STANDARD PRACTICES AND PROCEDURES*, PUBLISHED ON HG.ORG, SEPTEMBER 24, 2009.
40. *CONSIDERATIONS IN DEFENDING BANKING AND FINANCIAL CLASS ACTION LAWSUITS INVOLVING ECONOMIC DAMAGES AND CREDIT DAMAGES*, PUBLISHED ON HG.ORG, SEPTEMBER 26, 2009.
41. *DEFENDING FAIR DEBT COLLECTION PRACTICES ACT AND FAIR CREDIT REPORTING ACT LITIGATION ON PURCHASED DELINQUENT DEBT*, PUBLISHED ON HG.ORG, OCTOBER 26, 2009.
42. *CONSIDERATIONS IN DEFENDING STATE ATTORNEYS GENERAL CLASS ACTION LAWSUITS AGAINST MORTGAGE LENDERS*, PUBLISHED ON HG.ORG, NOVEMBER 15, 2009.
43. *WHY WE NEED FANNIE MAE AND FREDDIE MAC, AND HOW TO RESURRECT THEM*, PUBLISHED ON HG.ORG, NOVEMBER 15, 2009.
44. *LITIGATION INVOLVING BANK TRUST DEPARTMENTS, WEALTH AND INVESTMENT MANAGEMENT NATIONWIDE INDUSTRY STANDARDS*, PUBLISHED ON HG.ORG, NOV. 23, 2009.

45. *BANK SECURITY PRINCIPLES AND ISSUES*, PUBLISHED ON HG.ORG, NOVEMBER 23, 2009. ALSO PUBLISHED ON A BANK SECURITY WEBSITE MAINTAINED BY SCORPIO SECURITY SERVICES VIEWED MARCH 31, 2011. ALSO USED BY ADMIRAL SECURITY AND TEKNOLOGI, LLC, IN JULY 2015.
46. *INSPECTIONS AND BROKER PRICE OPINION INDUSTRY STANDARD PRACTICES FOR THE MORTGAGE INDUSTRY*, PUBLISHED ON HG.ORG, FEBRUARY 5, 2010.
47. *CONSTRUCTION LENDING INDUSTRY STANDARD PRACTICES APPLICABLE TO CONSTRUCTION LENDING LITIGATION*, PUBLISHED ON HG.ORG, FEBRUARY 8, 2010.
48. *LITIGATION INVOLVING OFFSHORE BANKING, OFFSHORE BANK ACCOUNTS, OFFSHORE FINANCE, TRADE FINANCE, AND TAX HAVENS*, PUBLISHED ON HG.ORG, MAY 9, 2010.
49. *LETTERS OF CREDIT, BILLS OF LADING & INTERNATIONAL TRADE FINANCE DOCUMENTATION ISSUES IMPORTANT IN LITIGATION*, PUBLISHED ON HG.ORG, MAY 14, 2010.
50. *ANTI-MONEY LAUNDERING LAWS AND PRACTICES FOR BANKS, INDIVIDUALS, AND CORPORATIONS INVOLVED IN AML LITIGATION*, PUBLISHED ON HG.ORG, MAY 14, 2010. ALSO PUBLISHED ON [HTTP://WWW.THEIDQTEAMCONNECTION.COM](http://www.theidqteamconnection.com)
51. *LITIGATION OVER THE CALCULATION & APPLICATION OF MORTGAGE LOAN PAYMENTS & LATE FEE CHARGES & ESCROW ACCOUNTS*, PUBLISHED ON HG.ORG, MAY 18, 2010. ALSO PUBLISHED ON THE WEBSITE OF READERRANT.CAPITOLHILLBLUE.COM VIEWED MARCH 31, 2011.
52. *MEASURING BANK CAPITAL AND BANK FINANCIAL HEALTH*, PUBLISHED ON HG.ORG, JUNE 13, 2010.
53. *BANKING LITIGATION INVOLVING CHECK DEPOSITS MADE AT A "NO ENVELOPE" OR IMAGING ATM*, PUBLISHED ON HG.ORG, JUNE 14, 2010.
54. *SPOUSAL GUARANTIES IN BUSINESS LENDING LITIGATION*, PUBLISHED ON HG.ORG, JUNE 16, 2010.
55. *BANKING LITIGATION INVOLVING CHECK FRAUD, BOOKKEEPER EMBEZZLEMENT, AND CHECKING ACCOUNT ADMINISTRATION ISSUES*, PUBLISHED ON HG.ORG, JUNE 22, 2010.
56. *EXPERT WITNESS ADVICE ON PROSECUTING AND DEFENDING BANK DIRECTOR AND OFFICER LIABILITY LAWSUITS FILED BY THE FDIC*, PUBLISHED ON HG.ORG, JUNE 24, 2010.
57. *ECONOMIC SUBSTANCE AND BANKING ASPECTS OF CUSTOM ADJUSTABLE RATE DEBT STRUCTURE CARDS TAX SHELTER TRANSACTIONS*, PUBLISHED ON HG.ORG, AUGUST 12, 2010.
58. *MARK TO MARKET CONSIDERATIONS IN BANKING ASSET AND LIABILITY VALUATION AND BANK ACCOUNTING*, PUBLISHED ON HG.ORG, AUGUST 31, 2010. ALSO PUBLISHED AS COMMENT LETTER NO. 274 (1810-100), FINANCIAL ACCOUNTING STANDARDS BOARD, FASB, ON SEPT. 3, 2010.
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60. *BANKING AND MORTGAGE LITIGATION INVOLVING MISSING LOAN FILE DOCUMENTS AND FORECLOSURE ERRORS*, PUBLISHED ON HG.ORG, OCTOBER 27, 2010.
61. *RESIDENTIAL MORTGAGE-BACKED SECURITIES BUYBACK, PUTBACK, AND "ROBO-SIGNER" LITIGATION*, PUBLISHED ON HG.ORG, NOVEMBER 3, 2010.
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63. *DEFENDING FORECLOSURE CLASS ACTION, MORTGAGE LOAN MODIFICATION, AND ATTORNEYS GENERAL LAWSUITS*, PUBLISHED ON HG.ORG, NOVEMBER 20, 2010.
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1. *CORPORATE BANK ACCOUNT ACCESS*, FINANCIAL ACCOUNTING & MANAGEMENT REPORT. AUDIOCAST ONLINE AND NEWSLETTER FORMATS, SENT TO PAID SUBSCRIBERS WHO ARE CFOs, CPAs, ACCOUNTING MANAGERS, CORPORATE TAX MANAGERS, INTERNAL AUDITORS, ETC., EARNING CONTINUING PROFESSIONAL EDUCATION CREDITS. BISK PUBLISHING AND EMERGENT SOLUTIONS GROUP, LLC. RECORDED NOV. 9, 2012. PUBLISHED JANUARY 2013.
2. *INTELLECTUAL PROPERTY VALUATION AND ROYALTY RATES*, SOLE PANELIST ON A WEBINAR FOR TECHNICAL ADVISORY SERVICES FOR ATTORNEYS. CLE CREDIT: IL, MN, MO, NJ & TX. OCT. 8, 2013.

#### **ARTICLES WRITTEN BY OTHERS WHERE I WAS INTERVIEWED OR QUOTED:**

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37. *CHICAGO SUN-TIMES*, INTERVIEWED ON CHECKING ACCOUNT ISSUES, MARCH 13, 2006.
38. *NOT BORN YESTERDAY: HOW SENIORS CAN STOP INVESTMENT FRAUD*, UNITED STATES SENATE, SPECIAL COMMITTEE ON AGING. MY WORK WAS INCLUDED IN THE MATERIALS PRESENTED IN TESTIMONY BY WITNESS BARRY MINKOW OF THE FRAUD DISCOVERY INSTITUTE, MARCH 29, 2006.
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41. *THE VIRGINIAN-PILOT* NEWSPAPER, PROVIDED OPINIONS FOR AN INVESTIGATION INTO SUSPECTED MORTGAGE AND REAL ESTATE FRAUD. OCTOBER AND DECEMBER 2006, AND OCTOBER 12, 2007.
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43. *FORBES MAGAZINE* AND *FORBES.COM* WEBSITE, INTERVIEWED AND QUOTED IN AN ARTICLE REGARDING FINANCIAL STATEMENTS AND LENDING PRACTICES. AUGUST 8, 2007.
44. *CHICAGO SUN-TIMES*, INTERVIEWED AND QUOTED ON BANK MARKETING ISSUES FOR AN ARTICLE ON RETAIL BANKING IN CHICAGO. AUGUST 24, 2007.
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47. *BANK FORECLOSURE BURDEN SOARS 324%*, INTERVIEWED AND QUOTED BY THE TRIANGLE BUSINESS JOURNAL (RALEIGH, NC), APRIL 5, 2010.

48. *IN STINGY MARKET, TRUST ATLANTIC MAKES DO WITH SLIVER OF FUNDING*, INTERVIEWED AND QUOTED BY THE TRIANGLE BUSINESS JOURNAL (RALEIGH, NC), MAY 31, 2010.
49. *FEDS ORDER BANK TO BOLSTER CAPITAL*, INTERVIEWED AND QUOTED BY THE TRIANGLE BUSINESS JOURNAL (RALEIGH, NC), JUNE 28, 2010.
50. *RECORD OR NOT, TROUBLES SWEEP SMALLER BANKS*, INTERVIEWED AND QUOTED BY THE TRIANGLE BUSINESS JOURNAL (RALEIGH, NC), JULY 5, 2010.
51. *PACE OF GEORGIA BANK FAILURES EXPECTED TO RISE*, BY J. SCOTT TRUBEY, THE ATLANTA JOURNAL-CONSTITUTION, JULY 22, 2010. ALSO PUBLISHED ON WELLS FARGO ADVISORS (VIEWED ON AUGUST 7, 2010), ON THE WEBSITES OF KEEGAN FEDERAL LAW FIRM, FEDERAL HASSON LAW FIRM, CRE FINANCIAL ADVISORS, AND MADISON SQUARE GARDEN ENTERTAINMENT, ALL VIEWED ON JAN. 20, 2011.
52. *BAD APPLES IN SECURITIES SPOILING FINANCIALS FOR SQUARE 1 BANK*, INTERVIEWED AND QUOTED BY THE TRIANGLE BUSINESS JOURNAL (RALEIGH, NC), AUGUST 23, 2010.
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55. *KEY INDUSTRY SECTOR FOR NORTH CAROLINA SHRINKING, AS BILLIONS IN B OF A, WACHOVIA DEPOSITS FLOW OUT OF CHARLOTTE*, INTERVIEWED AND QUOTED BY THE TRIANGLE BUSINESS JOURNAL (RALEIGH, NC), OCTOBER 18, 2010.
56. *BB&T LEADS IN FORECLOSED SITES*, INTERVIEWED AND QUOTED BY THE TRIANGLE BUSINESS JOURNAL (RALEIGH, NC), NOVEMBER 5, 2010.
57. *CAPITAL LEADERS CAN WIGGLE OUT AND GET PAYOFF*, INTERVIEWED AND QUOTED IN THE TRIANGLE BUSINESS JOURNAL (RALEIGH, NC), NOVEMBER 26, 2010.
58. *AILING PORTFOLIO WILL GREET NEXT SQUARE 1 CEO*, INTERVIEWED AND QUOTED IN THE TRIANGLE BUSINESS JOURNAL (RALEIGH, NC), DECEMBER 3, 2010.
59. *BANK OF AMERICA REVAMPING ACCOUNTS, FEES*, INTERVIEWED AND QUOTED IN THE ATLANTA JOURNAL-CONSTITUTION, JANUARY 5, 2011. ALSO PUBLISHED ON THE WEBSITE OF ISTOCKANALYST.COM MAINTAINED BY WALL STREET TOOLS, LLC, VIEWED MARCH 31, 2011.
60. *BANK SUIT FIRST TO TRAIL FAILURES*, INTERVIEWED AND QUOTED ON PAGE D1 OF THE ATLANTA JOURNAL-CONSTITUTION, JANUARY 23, 2011.
61. *YADKIN BANK TRIES HARD TO GET OUT OF SEC'S SHADOWS*, INTERVIEWED AND QUOTED BY THE TRIANGLE BUSINESS JOURNAL, JANUARY 28, 2011.
62. *RBC WHITTLES LOSSES, BEGINS HIRING IN SIGNS OF A REBOUND*, INTERVIEWED BY THE TRIANGLE BUSINESS JOURNAL, ARTICLE APPEARED FEBRUARY 18, 2011.
63. *DATA SHOW LOCAL BANKS STILL NOT LENDING*, INTERVIEWED AND QUOTED BY THE TRIANGLE BUSINESS JOURNAL, MARCH 4, 2011.
64. *FEDS MAY PUT FOUR OAKS UNDER ADDITIONAL SCRUTINY*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, APRIL 22, 2011.
65. *CAPITAL BANK HEADQUARTERS GOING TO MIAMI*, INTERVIEWED AND QUOTED IN THE TRIANGLE BUSINESS JOURNAL, APRIL 29, 2011.
66. *NEW RULE PROTECTS EXEMPTED FUNDS FROM GARNISHMENT ORDERS*, INTERVIEWED, PROVIDED INPUT, BUT NOT QUOTED IN AN ARTICLE ON WWW.CREDITCARDS.COM, MAY 3, 2011.
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68. *CAPITAL BANK NEARLY PROFITABLE FOLLOWING RESTRUCTURING EFFORTS*, INTERVIEWED AND QUOTED, THE BUSINESS JOURNAL (GREATER TRIAD AREA: GREENSBORO, HIGH POINT, WINSTON-SALEM, NC), MAY 20, 2011.
69. *THOUGH SECURITIES SUFFERING LOSSES, SQUARE 1 POSTS PROFIT*, INTERVIEWED AND QUOTED OR PARAPHRASED IN THE TRIANGLE BUSINESS JOURNAL, MAY 27, 2011.



70. *LOCAL COMMUNITY BANKS' NET INCOME NUMBERS GO SOUTH*, INTERVIEWED AND QUOTED IN THE TRIANGLE BUSINESS JOURNAL, MAY 27, 2011.
71. *FOUR OAKS EXECUTIVES AGREE TO TIGHTENED LENDING RULES*, INTERVIEWED AND QUOTED IN THE TRIANGLE BUSINESS JOURNAL, JUNE 3, 2011.
72. *GREYSTONE LEADERS SAY BANK'S LIST RIGHTED*, INTERVIEWED AND QUOTED IN THE TRIANGLE BUSINESS JOURNAL, JUNE 10, 2011.
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75. *BUSINESS BANK KEYSOURCE STRENGTHENS BOOKS, RAISES MORE CAPITAL*, INTERVIEWED AND QUOTED IN THE TRIANGLE BUSINESS JOURNAL, JULY 22, 2011.
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79. *FORECLOSURE LOAD GETTING HEAVIER, NOT LIGHTER*, INTERVIEWED AND MENTIONED, TRIANGLE BUSINESS JOURNAL, AUGUST 26, 2011.
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83. *FIRST CITIZENS FOLLOWS MINORITY VOTE ON PAY*, INTERVIEWED AND QUOTED ON CORPORATE GOVERNANCE, TRIANGLE BUSINESS JOURNAL, SEPTEMBER 16, 2011.
84. *SIX BANKS IN AREA CONTINUE TO FACE REGULATORY OVERSIGHT*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, OCTOBER 28, 2011.
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86. *MIXED PICTURE EMERGES ON BANK STABILITY*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, NOVEMBER 11, 2011.
87. *GREYSTONE BANK MAY BE WINDING DOWN*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, NOVEMBER 18, 2011.
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89. *KNOWN FOR ITS INNOVATIVE PRODUCTS, PNC POISED TO STORM INTO SOUTHERN STATES*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, DECEMBER 9, 2011.
90. *FINALLY, BANK WATCHERS SAY BAD LOAN NUMBERS HAVE PEAKED*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, DECEMBER 23, 2011.
91. *BRANCH CLOSINGS, BACK OFFICE CUTS FIGURE INTO PNC COST CUTS*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, JANUARY 13, 2012.
92. *WHERE PNC PLACES REGIONAL EXEC BEING CLOSELY WATCHED*, TRIANGLE BUSINESS JOURNAL, FEBRUARY 3, 2012.

93. *ROBO-SIGNING INDICTMENT ADDS TO LPS WOES*, INTERVIEWED AND QUOTED, JACKSONVILLE (FLORIDA) BUSINESS JOURNAL, FEBRUARY 10, 2012.
94. *BANKS' NEXT STEP: CUT COSTS OF RIDDING TROUBLED LOANS*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, FEBRUARY 17, 2012.
95. *PNC FINANCIAL REVEALS TIMELINE FOR RBC CONVERSION*, INTERVIEWED AND QUOTED ONLINE IN BOTH THE BUSINESS JOURNAL (GREATER TRIAD AREA: GREENSBORO, HIGH POINT, WINSTON-SALEM, NC) AND TRIANGLE BUSINESS JOURNAL, FEBRUARY 23, 2012.
96. *PNC WORKING QUICKLY TO COMPLETE CONVERSION OF RBC BRANCHES*, INTERVIEWED AND QUOTED, PITTSBURGH BUSINESS TIMES, MARCH 2, 2012.
97. *PERFORMANCE BETTER AT LOCAL BANKS, BUT FAR FROM STELLAR*, INTERVIEWED AND QUOTED BY LEE WEISBECKER, TRIANGLE BUSINESS JOURNAL, MARCH 2, 2012.
98. *DATA SHOWS COMPANIES INCREASING REVENUE WITH FEWER EMPLOYEES*, INTERVIEWED AND QUOTED BY CHRIS BAGLEY, TRIANGLE BUSINESS JOURNAL, MARCH 16, 2012.
99. *SHAREHOLDER TAKES ON FIRST CITIZENS*, TRIANGLE BUSINESS JOURNAL, INTERVIEWED AND QUOTED, MARCH 22, 2012.
100. *AMID WILD TRADING, OPTIMUMBANK RESERVES ARE BEING QUESTIONED*, SOUTH FLORIDA BUSINESS JOURNAL, APRIL 6, 2012.
101. *BANKS HAVE SEVERAL METHODS TO COVER UP BAD LOANS, EXPERT SAYS*, INTERVIEWED AND QUOTED, HOUSTON BUSINESS JOURNAL, APRIL 9, 2012.
102. *BILLY HUNTER SOUGHT UNION INVESTMENT FOR BANK WITH TIES TO SON*, INTERVIEWED BY YAHOO! SPORTS REPORTER RAND GETLIN, ESQ., FOR BACKGROUND INFORMATION, BUT NOT QUOTED OR CITED. ARTICLE APPEARED ON LAKERSGROUND.NET, APRIL 25, 2012.
103. *BANKS FACE SCRUTINY TO REPAIR OVERDRAFT POLICIES, PRACTICES*, INTERVIEWED AND QUOTED IN THE HOUSTON BUSINESS JOURNAL, APRIL 27, 2012.
104. *CRESCENT FINANCIAL REGISTERS TARP SHARES*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, MAY 7, 2012.
105. *RESCAP RMBS INVESTORS: EXPECT FAR LESS THAN USD 8.7 BN UNDER PROPOSED DEAL*, INTERVIEWED AND QUOTED BY SARI KRIEGER, DEBTWIRE, MERGERMARKET GROUP, FINANCIAL TIMES GROUP, PEARSON PLC., MAY 15, 2012.
106. *MORGAN KEEGAN FEEDS WUNDERLICH*, INTERVIEWED AND QUOTED, MEMPHIS BUSINESS JOURNAL, MAY 18, 2012.
107. *BANKS GROWING AGAIN DESPITE LINGERING LOANS*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, MAY 18, 2012.
108. *WUNDERLICH PUMPS UP HOUSTON WEALTH MANAGEMENT, BANKING PRESENCE*, INTERVIEWED AND QUOTED, HOUSTON BUSINESS JOURNAL, MAY 25, 2012.
109. *REODEEDWAGON TUNES PROGRAM FOR BANKS: BANKERS ASSOCIATION WANTS TO HELP INSTITUTIONS GET RID OF THEIR FORECLOSED REAL ESTATE PROPERTIES*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, JUNE 1, 2012.
110. *COMMUNITY BANKS STRUGGLING TO REPAY TARP FUNDS*, INTERVIEWED BY JENNIFER A. JOHNSON AT THE PHOENIX BUSINESS JOURNAL FOR THE PHOENIX BUSINESS BLOG, JUNE 1, 2012.
111. *PNC BANKING DOWNTOWN PITTSBURGH 'PLACE TO BE'*, INTERVIEWED AND QUOTED, PITTSBURGH BUSINESS TIMES, JUNE 8, 2012.
112. *COUNTRYWIDE LOAN FILE REVIEW TO TAKE CENTER STAGE AT THURSDAY HEARING*, INTERVIEWED AND QUOTED ON DEBTWIRE, MERGERMARKET GROUP, FINANCIAL TIMES GRP., PEARSON PLC., JUN.12, 2012.
113. *ECB INVESTOR ASKS CEO UTZ TO STEP DOWN*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, JUNE 29, 2012.
114. *FIRST HORIZON CHARGE GIVES GIFT OF CLARITY*, INTERVIEWED AND QUOTED, MEMPHIS BUSINESS JOURNAL, JUNE 29, 2012.



115. *FAILURES FAMILIAR FOR BANKING COMMITTEE LEADERS*, INTERVIEWED AND QUOTED, ATLANTA JOURNAL-CONSTITUTION, JULY 12, 2012.
116. *FIRST CITIZENS DIPS INTO CASH TO EXIT UNFAVORED SECURITIES*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, JULY 13, 2012.
117. *BANKS CONTINUE TO TAKE ON FORECLOSURES*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, JULY 13, 2012.
118. *FINANCING OF A '07 CMBS 'FLIP' SEES POTENTIALLY GROUNDBREAKING R&W LITIGATION*, PROVIDED BACKGROUND INFORMATION FOR AN ARTICLE PUBLISHED ON DEBTWIRE, NOT QUOTED OR MENTIONED, JULY 31, 2012.
119. *MORE RESCAP CREDITORS BATTLE AGAINST RMBS SETTLEMENT*, INTERVIEWED AND QUOTED ON DEBTWIRE, MERGERMARKET GROUP, FINANCIAL TIMES GROUP, PEARSON PLC., SEPT. 11, 2012.
120. *THE HOUSE OF CANDLER*, INTERVIEWED, PROVIDED USEFUL BACKGROUND INFORMATION, NAME NOT MENTIONED, ATLANTA JOURNAL-CONSTITUTION, SEPTEMBER 16, 2012.
121. *OFFSHORE BANK ACCOUNTS SUBJECT TO NEW SCRUTINY*, ATLANTA BUSINESS CHRONICLE, INTERVIEWED AND QUOTED, SEPTEMBER 21, 2012.
122. *MORE PEOPLE OPTING TO SHOP FOR FINANCE-RELATED SERVICES*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, SEPTEMBER 28, 2012.
123. *SOUTHERN COMMUNITY, CAPITAL MERGER COULD SHAKE UP TRIAD LENDING*, INTERVIEWED AND QUOTED, THE BUSINESS JOURNAL (GREATER TRIAD AREA: GREENSBORO, HIGH POINT, WINSTON-SALEM, NC), SEPTEMBER 28, 2012.
124. *BANKS INCREASED DEPOSITS 13% IN LOCAL MARKET*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, OCTOBER 5, 2012.
125. *MORTGAGE SECTOR JOBS DECIMATED DURING DOWNFALL*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, OCTOBER 19, 2012.
126. *GOVERNMENT LAWSUIT COULD BOOST PRIVATE LABEL RMBS CASES*, INTERVIEWED AND QUOTED ON DEBTWIRE, OCTOBER 26, 2012.
127. *OUT OF THE MARKET IS OUT OF MIND, SOME BANKERS LEARNING*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, NOVEMBER 16, 2012.
128. *TRIANGLE BANKS STILL NOT LENDING, NEW DATA SHOW*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, NOVEMBER 23, 2012.
129. *MBLA LOOKS TO CREDIT SUISSE'S OUTSIDE UNDERWRITER FOR PROOF IN FRAUD CASE*, INTERVIEWED AND QUOTED ON DEBTWIRE, DECEMBER 7, 2012.
130. *PNC REMAKING ITSELF FROM THE GROUND UP*, INTERVIEWED AND QUOTED, PITTSBURGH BUSINESS TIMES, DECEMBER 14, 2012.
131. *COUSIN OF BANK'S REIGNING LEADERS CASHES OUT, STEPS AWAY FROM BOARDS IN NORTH CAROLINA, SOUTH CAROLINA*, INTERVIEWED & QUOTED, TRIANGLE BUSINESS JOURNAL, JAN. 18, 2013.
132. *FIRST HORIZON, POISED TO EARN HIGHER PROFITS, HIKES DIVIDEND AND EXTENDS REPURCHASE PLAN*, INTERVIEWED AND QUOTED, MEMPHIS BUSINESS JOURNAL, JANUARY 25, 2013.
133. INTERVIEWED BY REPORTER JON SILVER REGARDING AN ALLEGED CHECK FRAUD SITUATION, *PITTSBURGH POST-GAZETTE*, MARCH 6, 2013.
134. *MASSIVE UPDATE OF IT FOR FIRST CITIZENS*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, MARCH 15, 2013.
135. *WELLS FARGO GROWS LOCAL CONSUMER LOANS, LINES OF CREDIT BY 121 PERCENT*, INTERVIEWED AND QUOTED, MEMPHIS BUSINESS JOURNAL, MARCH 15, 2013.
136. *EXPERT REPORTS CRUCIAL TO COUNTRYWIDE RMBS SETTLEMENT, ATTORNEYS SAY*, INTERVIEWED AND QUOTED, DEBTWIRE, MARCH 20, 2013.
137. *COST OF BANK ROBBERIES GOES BEYOND THE MISSING CASH*, INTERVIEWED AND QUOTED BY REPORTER ALDO SVALDI AT THE *DENVER POST* REGARDING THE ROBBERY OF PUBLIC SERVICE CREDIT UNION, MARCH 22, 2013. ARTICLE UPDATED APRIL 30, 2016.



138. *CHALLENGES ABOUND FOR A JOHNSTON COUNTY BANK THAT SHOWED SO MUCH PROMISE*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, APRIL 5, 2013.
138. *COMMUNITY BANKS MEND ACROSS NORTH CAROLINA*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, APRIL 5, 2013.
139. *HOLDINGS CONTROL 60% OF BANK*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, APRIL 19, 2013.
140. *BANKS FEELING THE LOVE*, INTERVIEWED & QUOTED, TRIANGLE BUSINESS JOURNAL, MAY 24, 2013.
141. *SCORES REVEAL HEALTHIER BANKS*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, JUNE 14, 2013.
142. *SHARES OF NORTH CAROLINA LOCAL BANKS ON UPSWING*, INTERVIEWED AND QUOTED, TRIANGLE BUSINESS JOURNAL, JULY 12, 2013.
143. *SWISS BANKS RETURN TO THE UNITED STATES*, INTERVIEWED BUT NOT NAMED OR QUOTED FOR AN ARTICLE THAT APPEARED IN TEN LANGUAGES ON [HTTP://WWW.SWISSINFO.CH](http://www.swissinfo.ch), AUGUST 13, 2014.
144. *WHAT BUSINESSES NEED TO KNOW ABOUT FALSE IMPRISONMENT*, INTERVIEWED AND QUOTED, ATLANTA BUSINESS CHRONICLE, SEPTEMBER 26, 2014.
145. INTERVIEWED BY REPORTER NEIL WEINBERG REGARDING TRUSTEE DUTIES PERTINENT TO *CHRIST CHURCH CATHEDRAL FOUNDATION V. JPMORGAN CHASE & Co.*, BLOOMBERG, OCTOBER 13, 2014.
146. INTERVIEWED BY REPORTER MICHAEL SALLAH REGARDING MONEY LAUNDERING, MIAMI HERALD, JULY 15, 2015.
147. INTERVIEWED BY REPORTER AARON DAVIS REGARDING EMBEZZLEMENT AND BANK FRAUD AT A CREDIT UNION, AMARILLO GLOBE-NEWS (TEXAS) NEWSPAPER, OCTOBER 1, 2015.
148. INTERVIEWED BY REPORTER PAT HURTADO AT BLOOMBERG FOR AN ARTICLE ON RABOBANK'S LIBOR RIGGING TRIAL, OCTOBER 2, 2015.
149. *PENALTIES IN THE REARVIEW, FNCB SEEKS STATE CHARTER*, INTERVIEWED BY *TIMES-TRIBUNE (SCRANTON, PA)* REPORTER DAVE FALCHEK ON GOVERNMENTAL BANKING REGULATION, FEB. 26, 2016.
150. INTERVIEWED BY REPORTER BESS MAHER AT *MORTGAGE LENDER COMPLIANCE ALERT*, REGARDING FANNIE MAE AND FREDDIE MAC ISSUES AND TILA-RESPA INTEGRATED DISCLOSURE RULES, APRIL 28, 2016.
151. INTERVIEWED BY REPORTER NATALIE CLANCY AT THE CANADIAN BROADCASTING CORP. FOR THE *TORONTO STAR* NEWSPAPER REGARDING KNOW YOUR CUSTOMER POLICIES AND PANAMA PAPERS MATTERS, MAY 13, 2016.
152. *ACCORDING TO ONE SURVEY, VOTERS WANT MORE FINANCIAL REGULATION: HOW TO PREPARE FOR A HEIGHTENED REGULATORY ENVIRONMENT*, INTERVIEWED AND QUOTED BY REPORTER BESS MAHER AT *MORTGAGE LENDING COMPLIANCE ALERT*, AUGUST 22, 2016.
153. INTERVIEWED BY REPORTER JOHN KEHOE AT THE *AUSTRALIAN FINANCIAL REVIEW* REGARDING LIBOR MANIPULATION LITIGATION AGAINST ALL MAJOR AUSTRALIAN BANKS, AUGUST 23, 2016.

**TELEVISION AND RADIO:**

1. *AFRICA TODAY*, EXTENSIVE VIDEO COVERAGE BY REUTERS NEWS AGENCY OF TANZANIA REVENUE AUTHORITY TRAINING PROGRAM, ARUSHA, TANZANIA, MARCH 11, 2001 AND OTHER DATES.
2. INTERVIEWED BY ITV TELEVISION NETWORK ON THE SUBJECTS OF BANKING, TAXATION, ECONOMIC GROWTH AND DEVELOPMENT, AND CAPITALISM IN TANZANIA, IN ARUSHA, TANZANIA, MARCH 16, 2001. AIRED NATIONWIDE ON MARCH 17, 2001, AND SUBSEQUENT DATES.
3. *OUTSIDE THE LINES* TELEVISION SHOW AND ESPN.COM WEBSITE, INTERVIEWED (NOT QUOTED OR MENTIONED) REGARDING IDENTITY THEFT MATTERS. NOVEMBER 1 - 3, 2002.
4. *NBC EVENING NEWS*, INTERVIEWED REGARDING IDENTITY THEFT, NOVEMBER 25, 2002.
5. ABC News/Disney - MIAMI, FL, INTERVIEWED FOR A NATIONAL RADIO BROADCAST REGARDING CREDIT CARD FRAUD AND IDENTITY THEFT ISSUES. APRIL 21, 2006.
6. WJNO AM 1290 CLEAR CHANNEL RADIO, WEST PALM BEACH, FL. LIVE ON-AIR TELEPHONE INTERVIEW BY JOHN HOWE REGARDING THE LOSS OF CREDIT INFORMATION ON 26.5 MILLION VETERANS. MAY 23, 2006.
7. WSB-TV (ABC), ATLANTA, GA, INTERVIEWED ON TELEVISION REGARDING THE T.J. MAXX CREDIT FILE DATA LOSS AND DATA LOSSES IN GENERAL. MARCH 29, 2007.
8. WSB-TV (ABC), ATLANTA, GA, INTERVIEWED ON TELEVISION REGARDING CREDIT CARD AND DEBIT CARD FRAUD. MAY 3, 2007.
9. KABC RADIO 790, LOS ANGELES, INTERVIEWED BY PETER TILDEN RE: PANAMA PAPERS, MAR. 8, 2016.
10. INTERVIEWED BY REPORTER YVETTE BREND AT THE CANADIAN BROADCASTING CORP. REGARDING KNOW YOUR CUSTOMER POLICIES AND PANAMA PAPERS MATTERS, MAY 12, 2016.
11. INTERVIEWED BY REPORTER NATALIE CLANCY AT THE CANADIAN BROADCASTING CORP. REGARDING KNOW YOUR CUSTOMER POLICIES AND PANAMA PAPERS MATTERS, MAY 13, 2016.

## **PATENT APPLICATION**

ON JULY 8, 2002, THE UNITED STATES PATENT & TRADEMARK OFFICE REGISTERED A PROVISIONAL PATENT APPLICATION TO DON COKER FOR A BUSINESS PROCESS FOR IMPROVING THE PREVENTION AND DETECTION OF FINANCIAL FRAUD INVOLVING PERSONAL AND BUSINESS CHECKS, CASHIER'S CHECKS, POSTAL AND COMMERCIAL MONEY ORDERS, LETTERS OF CREDIT, BILLS OF EXCHANGE, DRAFTS, AND MANY OTHER TYPES OF FINANCIAL INSTRUMENTS. ON JULY 1, 2003, THE FORMAL PATENT APPLICATION WAS FILED. A SALE AGREEMENT (INCLUDING A RETAINED PROFIT PARTICIPATION) ASSIGNING (SELLING) THIS PENDING PATENT APPLICATION WAS EXECUTED IN DECEMBER 2006; CLOSED IN EARLY 2007, AND THE TECHNOLOGY WAS LICENSED TO MULTIPLE PARTIES BEGINNING IN 2007 AND MOST RECENTLY LICENSED TO SAMSUNG AND HTC (A TAIWAN CELL PHONE MANUFACTURER) IN 2010.

## **PAST PROFESSIONAL MEMBERSHIPS**

AMERICAN BANKERS ASSOCIATION  
AMERICAN INSTITUTE OF BANKING, CHAPTER OFFICER AND BANK CONSUL  
U.S. LEAGUE OF SAVINGS INSTITUTIONS  
INSTITUTE OF FINANCIAL EDUCATION, INSTRUCTOR  
MORTGAGE BANKERS ASSOCIATION  
TEXAS MORTGAGE BANKERS ASSOCIATION  
AMERICAN COUNCIL OF STATE SAVINGS SUPERVISORS  
AMERICAN BANKRUPTCY INSTITUTE - COMMITTEES: PUBLIC COMPANIES, REAL ESTATE,  
INTERNATIONAL, U.C.C., COMMERCIAL FRAUD TASKFORCE, HEALTHCARE.  
BOARD OF REALTORS  
NATIONAL ASSOCIATION OF HOMEBUILDERS  
INTERNATIONAL COUNCIL OF SHOPPING CENTERS  
HOUSTON (TX) CHAMBER OF COMMERCE, ECONOMIC DEVELOPMENT COMMITTEE, 9 YEARS

## **RECOGNITION IN BIOGRAPHICAL REFERENCE BOOKS**

WHO'S WHO IN AMERICA, 52<sup>ND</sup> – 60<sup>TH</sup>, 63<sup>RD</sup>- 70<sup>TH</sup> (2016) EDS.  
WHO'S WHO IN THE WORLD, 12<sup>TH</sup> - 16<sup>TH</sup>, 26<sup>TH</sup> – 27<sup>TH</sup>, 32<sup>ND</sup> - 33<sup>RD</sup> (2016) EDS.  
WHO'S WHO IN FINANCE & INDUSTRY, 26<sup>TH</sup> – 29<sup>TH</sup> AND 33<sup>RD</sup> EDS.  
WHO'S WHO IN MEDICINE & HEALTHCARE, 1<sup>ST</sup> – 8<sup>TH</sup> EDS.  
WHO'S WHO IN THE SOUTH & SOUTHWEST, 21<sup>ST</sup> – 33<sup>RD</sup>, AND 35<sup>TH</sup>-42<sup>ND</sup> (2016) EDS.  
DIRECTORY OF DISTINGUISHED AMERICANS, 5<sup>TH</sup> ED.  
WHO'S WHO REGISTRY OF GLOBAL BUSINESS LEADERS, 1993 - 1994 ED.  
WHO'S WHO OF EMERGING LEADERS OF AMERICA, 3<sup>RD</sup> ED.  
WHO'S WHO REGISTRY OF BUSINESS LEADERS, 1994 ED.  
PERSONALITIES OF AMERICA, 5<sup>TH</sup> ED.; PERSONALITIES OF THE SOUTH, 14<sup>TH</sup> ED.

## **OTHER PROFESSIONAL ACTIVITIES**

CONSULTANT ON VARIOUS ECONOMIC, VALUATION, REAL ESTATE, MARKETING, BANKING MATTERS FOR CLIENTS IN 49 STATES (LACK VERMONT), TWO U.S. TERRITORIES, AND 37 COUNTRIES IN THE AMERICAS, EUROPE, ASIA, THE MIDDLE EAST, AND AFRICA COVERING WORK INVOLVING 64 COUNTRIES.  
NATIONWIDE EXPERT WITNESS, FOR PLAINTIFF AND DEFENSE, LISTED IN THE AMERICAN ASSOCIATION FOR JUSTICE'S AND THE DEFENSE RESEARCH INSTITUTE'S DATABASES OF EXPERT WITNESS CONSULTANTS, PLUS STATE AND LOCAL DATABASES IN AT LEAST 18 STATES AND CITIES.  
ENGAGED FOR OVER 645 EXPERT WITNESS CASES FOR PLAINTIFFS AND DEFENDANTS NATIONWIDE, TESTIFIED 160 TIMES AND ACHIEVED 12 COURTHOUSE SETTLEMENTS.  
APPROVED REGISTERED U.S. GOVERNMENT CONTRACTOR.  
PHILLIPS COLLEGE, FORMER ADJUNCT PROFESSOR OF BUSINESS.  
INSTITUTE OF FINANCIAL EDUCATION, APPROVED INSTRUCTOR FOR THE EDUCATIONAL ARM OF THE U.S. LEAGUE OF SAVINGS INSTITUTIONS.  
GULF COAST SCHOOL OF REAL ESTATE, INSTRUCTOR AND COURSE WRITER.  
PRENTICE HALL PUBLISHING, SIMON & SCHUSTER, PARAMOUNT COMMUNICATIONS, TECHNICAL EDITOR AND CONSULTANT ON BANKING AND REAL ESTATE SUBJECTS.  
HOLIDAY INN AND RODEWAY INNS, LENDER ADVISORY PANELS.  
NOVICK'S MONEY MARKET SEMINARS, PANELIST.  
NATIONAL DIRECTORY OF CORPORATE DISTRESS SPECIALISTS, APPROVED MGT. CONSULTANT.  
LICENSED SPORTS AGENT, APPROVED BY THE NCAA, MAJOR LEAGUE BASEBALL PLAYERS ASSOCIATION, AND THE AL ATHLETE AGENTS REGULATORY COMMISSION.  
AMERICAN ARBITRATION ASSOCIATION, APPROVED PROFESSIONAL COMMERCIAL ARBITRATOR.  
STATE OF TEXAS REAL ESTATE COMMISSION, APPROVED INSTRUCTOR AND COURSE AUTHOR.  
TEXAS REAL ESTATE BROKER'S LICENSE HELD FOR OVER TEN YEARS.

## **CIVIC ACTIVITIES**

KATY SCHOOL DISTRICT (HOUSTON SUBURB), TRUSTEE, PUBLICLY ELECTIVE POSITION.  
U.S. ARMY RESERVE, 1966-1968, OFFICER TRAINING, FT. BRAGG, NC; HONORABLE DISCHARGE.  
NOTTINGHAM COUNTRY CIVIC CLUB, OFFICER, 1,500 FAMILY NEIGHBORHOOD ASSOCIATION.  
SUNDAY SCHOOL TEACHER, USHER, HOST.  
MEMBER OF THE HIGH MUSEUM OF ART, ATLANTA, GA.  
GRADY HEALTH SYSTEM – UNCOMPENSATED VOLUNTEER CONSULTANT TO THE METRO ATLANTA CHAMBER OF COMMERCE'S GREATER GRADY TASK FORCE STUDYING THE FINANCIALLY TROUBLED GRADY HOSPITAL AND GRADY HEALTH SYSTEM FOR THE PURPOSE OF MAKING RECOMMENDATIONS TO IMPROVE THE OPERATIONS AND FINANCES OF GEORGIA'S LARGEST HOSPITAL AND HEALTHCARE SYSTEM AND ATLANTA'S ONLY LEVEL 1 TRAUMA CENTER.



## EDUCATION

### **COLLEGE & UNIVERSITY:**

UNIVERSITY OF ALABAMA, BA, 1968.

AWARDS AND ACTIVITIES: GOLD MERIT KEY AWARD FOR OUTSTANDING SERVICE TO THE UNIVERSITY, OUTSTANDING ARMY ROTC PLATOON LEADER AWARD, NUMEROUS PUBLICATIONS ACTIVITIES, APARTMENT MANAGER.

UNIVERSITY OF ALABAMA, 1968, POST-GRADUATE WORK IN FINANCE, ECONOMICS, REAL ESTATE, AND ACCOUNTING.

UNIVERSITY OF HOUSTON, 1973, POST-GRADUATE WORK IN FINANCE, VALUATION, REAL ESTATE LAW.

SOUTHERN METHODIST UNIVERSITY, EXECUTIVE EDUCATION COURSES IN COMMERCIAL REAL ESTATE FINANCE AND SECURITIES, LOAN SYNDICATION, CONSTRUCTION FINANCE, 1983 - 1984.

SPRING HILL COLLEGE, MASTERS DEGREE-LEVEL LIBERAL ARTS AND ETHICS COURSES, 1995.

HARVARD BUSINESS SCHOOL, EXECUTIVE EDUCATION. CERTIFICATE IN BUSINESS VALUATION, 2005.

### **SECONDARY:**

UNIVERSITY MILITARY SCHOOL, MOBILE, AL. 12-YEAR PREP DAY SCHOOL. GRADUATED 1963.

AWARDS & ACTIVITIES: OUTSTANDING STUDENT IN ENGLISH, MILITARY AWARDS, PUBLICATIONS.

### **OTHER PROFESSIONAL EDUCATION:**

AMERICAN BANKERS ASSOCIATION - AMERICAN INSTITUTE OF BANKING: FINANCIAL STATEMENT ANALYSIS, ACCOUNTING, CORPORATE FINANCE, BANK INVESTMENTS, PRINCIPLES OF BANK OPERATIONS, BANK MANAGEMENT, TRUSTS.

NATIONAL INSTITUTE OF REAL ESTATE BOARDS, REAL ESTATE INVESTMENT & FINANCE.

INTERNATIONAL COUNCIL OF SHOPPING CENTERS, SHOPPING CENTER FINANCE & VALUATION.

NATIONAL HOSPITAL ASSOCIATION, 1-WEEK WORKSHOP, HEALTHCARE ENTITY FINANCE & VALUATION.

MORTGAGE BANKERS ASSOCIATION, TWO WORKSHOPS: MULTI-FAMILY AND SFR LENDING.

FEDERAL HOME LOAN BANK OF DALLAS, TRAINING WORKSHOPS ON FINANCIAL INSTITUTION MANAGEMENT, LENDING, INVESTMENTS, OPERATIONS, ET AL.

TEXAS SAVINGS & LOAN DEPARTMENT, TRAINING WORKSHOPS ON FINANCIAL INSTITUTION MANAGEMENT, LENDING, INVESTMENTS, OPERATIONS, ET AL.

FEDERAL HOME LOAN MORTGAGE CORP., REAL ESTATE FINANCING WORKSHOP.

REAL ESTATE WORKOUTS CONFERENCE, LAVENTHOL & HORWATH, JULY 1987.

FIRST NATIONAL BANK OF MOBILE, AL (LATER AMSOUTH BANCORPORATION, NOW REGIONS FINANCIAL), FINANCIAL STATEMENT ANALYSIS, BUSINESS FINANCE, BANK INVESTMENTS, CREDIT CARD OPERATIONS, DEPOSIT OPERATIONS, BANK MANAGEMENT, TRUSTS.

GIBRALTAR SAVINGS ASSOCIATION (NOW BANK OF AMERICA), COMMERCIAL REAL ESTATE FINANCE, VALUATION, JOINT-VENTURES.

CITICORP, BUSINESS, CORPORATE AND REAL ESTATE FINANCE, VALUATION, DEPOSIT PRODUCTS, INVESTMENTS.

SOUTHWEST BANCSHARES (LATER BANK ONE, NOW JPMORGAN CHASE BANK) BUSINESS FINANCE AND REAL ESTATE INVESTMENTS.

COMMERCIAL CREDIT CORP. (NOW CITIGROUP), ONE-WEEK CORPORATE MARKETING CONFERENCE COVERING IN-DEPTH TRAINING IN ALL FINANCIAL PRODUCTS, PLUS 28 CDC LEARNING CENTER COURSES IN BUSINESS AND ECONOMIC SUBJECTS.

FROST BANK, ADVANCED CREDIT ANALYSIS AND BUSINESS FINANCE.

## EMPLOYMENT HISTORY

1986 - PRESENT: BANKING, MANAGEMENT & ECONOMIC CONSULTANT, WOODSTOCK, GA.

- CONSULTING ENGAGEMENTS COVERING A BROAD RANGE OF ACTIVITIES SUCH AS GOVERNMENTAL FINANCIAL INSTITUTION REGULATORY OVERSIGHT, INTERIM MANAGEMENT, WORKOUT AND RESTRUCTURING OF TROUBLED LOANS AND FORECLOSED PROPERTIES (RESIDENTIAL AND OVER 100 COMMERCIAL PROPERTIES), BUSINESS & ASSET VALUATION, INTANGIBLE ASSET VALUATION AND ISSUES, BANK INCOME TAX ISSUES, CORE DEPOSIT APPRAISALS, MERGER & ACQUISITION ASSISTANCE, DUE DILIGENCE, BUSINESS PLANS, MANAGEMENT ADVICE, POLICY AND PROCEDURE MANUAL MATTERS, INTERNATIONAL ENGAGEMENTS FOR CLIENTS IN 37 COUNTRIES INVOLVING WORK IN 64 COUNTRIES, WRITING & EDITING BUSINESS BOOKS, FEASIBILITY STUDIES, MARKETING STUDIES, RESEARCH, COMMERCIAL REAL ESTATE STUDIES & ADVICE, TRAINING & EDUCATIONAL ACTIVITIES, AND INVESTMENT ADVICE TO INVESTMENT MANAGERS, PRIVATE EQUITY FUNDS, AND HEDGE FUNDS.
- EXPERT WITNESS ENGAGEMENTS NATIONWIDE FOR 70 OF THE COUNTRY'S TOP 400 LAW FIRMS AND HUNDREDS OF OTHERS REPRESENTING PLAINTIFFS AND DEFENDANTS NATIONWIDE AND COVERING ALL AREAS OF BANKING, MORTGAGE BANKING, BUSINESS VALUATION, INTELLECTUAL PROPERTY VALUATION, SECURITIES, INVESTMENTS, ECONOMICS, ECONOMIC DAMAGES, TRUSTS & ESTATES, REAL ESTATE, CREDIT CARDS, FACTA CASES, CHECK AND CREDIT CARD FRAUD, IDENTITY THEFT, FUNDS TRANSFERS, INTERNATIONAL MATTERS, LEASING, BANKRUPTCY PREFERENCE, MANAGEMENT, CREDIT, FINANCE, AND GENERAL BUSINESS. OVER 645 CASES, 160 TESTIMONIES.

1985 - 1986: EXECUTIVE VICE PRESIDENT, MANAGER OF LENDING & MORTGAGE BANKING, BOARD OF DIRECTORS MEMBER, HOME SAVINGS (NOW CITIGROUP), HOUSTON, TX. NUMBER TWO EXECUTIVE. ALSO INVOLVED IN INVESTMENTS, DEPOSIT ACTIVITIES, AND CREDIT CARDS. OFFICER OF SEVERAL SUBSIDIARY COMPANIES. MEMBER OF LOAN COMMITTEE, EXECUTIVE COMMITTEE, AUDIT COMMITTEE, ET AL. RESTRUCTURED THE MANAGEMENT RESPONSIBILITIES OF SEVERAL DEPARTMENTS, INCREASING PRODUCTION, EFFICIENCY, AND STAFF UTILIZATION. COMPLETED A \$118 MILLION (2015 USD) COLLATERALIZED MORTGAGE OBLIGATION LOAN SECURITIZATION TRANSACTION THROUGH SALOMON BROS. IMPROVED PROFITS AND REDUCED DELINQUENCIES.

1984 - 1985: SENIOR VICE PRESIDENT, MANAGER OF LENDING & MORTGAGE BANKING, FIRST FEDERAL SAVINGS (LATER GUARANTY BANK, NOW BBVA COMPASS BANK), SAN ANTONIO, TX. NUMBER TWO EXECUTIVE. ALSO INVOLVED IN INVESTMENTS, DEPOSIT ACTIVITIES, AND CREDIT CARDS. INCREASED LENDING ACTIVITIES 40% IN ONE YEAR WHILE REDUCING DELINQUENCIES AND WITHOUT ADDING TO HEADCOUNT.

1983 - 1984: SOUTHWEST REGIONAL MANAGER, FORD MOTOR CREDIT CORP., HOUSTON, TX. MANAGER OF COMMERCIAL REAL ESTATE FINANCE, AND SOME FINANCING WITH CAR DEALERS.

1977 - 1983: REGIONAL MANAGER, COMMERCIAL CREDIT COMPANY (NOW CITIGROUP), HOUSTON, TX. MANAGER OF COMMERCIAL AND RESIDENTIAL REAL ESTATE FINANCING FOR THE SOUTHWEST, AND FORMALLY TRAINED & INVOLVED IN ALL FINANCIAL PRODUCTS OFFERED BY THE \$16.8 BILLION (2015 USD) COMPANY. CHOSEN TO OPEN THE COMPANY'S FIRST COMMERCIAL REAL ESTATE LENDING FIELD OFFICE. TOP BUSINESS PRODUCER EVERY YEAR. RECEIVED THE COMPANY'S LARGEST BONUS EVER AWARDED - TWICE.

1974 - 1977: MANAGER OF COMMERCIAL REAL ESTATE LENDING AND MORTGAGE BANKING, SOUTHWEST BANCSHARES (LATER BANK ONE, NOW JPMORGAN CHASE BANK), HOUSTON, TX. ALSO INVOLVED IN THE ORIGINATION AND ADMINISTRATION OF CONSTRUCTION LOANS, DEPOSIT & INVESTMENT ACTIVITIES FOR LENDING CLIENTS INCLUDING WEALTHY FOREIGN NATIONALS, CORPORATE & PERSONAL LENDING, AND CREDIT CARD OPERATIONS. CREATED AND MANAGED A COMMERCIAL MORTGAGE BANKING ENTITY FOR A MULTI-BANK HOLDING COMPANY.

1973 - 1974: ASSISTANT REGIONAL MANAGER & ASSISTANT TREASURER, CITICORP REAL ESTATE, HOUSTON, TX. MORTGAGE BANKING AND CONSTRUCTION LENDING FOR CITIBANK, N.A. (NY), AND DEPOSIT, INVESTMENT, AND TRUST ACTIVITIES FOR WEALTHY FOREIGN CLIENTS. HELPED ESTABLISH A NEW OFFICE IN HOUSTON, INCLUDING STAFFING AND THE FORMULATION OF OPERATING POLICIES & PROCEDURES. PRIMARY TERRITORY COVERED SEVEN STATES, AND OPERATED NATIONWIDE & INTERNATIONALLY. ONE OF CITICORP'S YOUNGEST OFFICERS EVER. TOP BUSINESS PRODUCER.

1972 - 1973: LOAN OFFICER & MANAGER OF LENDING DEPARTMENT, GIBRALTAR SAVINGS (NOW BANK OF AMERICA), HOUSTON, TX. AT AGE 26, MANAGED THE DAY-TO-DAY LENDING OPERATIONS OF TEXAS' LARGEST S&L (55TH LARGEST IN THE U.S.). HANDLED CONSTRUCTION & SUBDIVISION DEVELOPMENT LOANS, JOINT-VENTURES, COMMERCIAL PROPERTY LENDING, REO MANAGEMENT, AND HIGH-VOLUME BUILDER ACCOUNTS. COMPLETED & IMPLEMENTED SEVERAL BONUS-WINNING WORKFLOW EFFICIENCY IMPROVEMENT PROJECTS FOR VARIOUS DEPARTMENTS.

1968 - 1972: FIRST NATIONAL BANK OF MOBILE (LATER AMSouth, NOW REGIONS FINANCIAL), MOBILE, AL. MORTGAGE AND REAL ESTATE SPECIALIST IN THE WEALTH MANAGEMENT AREA OF THE TRUST DEPARTMENT. TRAINED AND WORKED IN ALL AREAS OF THE BANK INCLUDING CHECKING & SAVINGS, CREDIT, CORPORATE LENDING, MORTGAGE LENDING, MORTGAGE SERVICING, PERSONAL LENDING, OPERATIONS, CHECK PROCESSING, AUDIT, INTERNATIONAL, INVESTMENTS, TRUSTS & ESTATES, CORPORATE PENSION PLAN MANAGEMENT, PORTFOLIO MANAGEMENT, REGISTERED STOCK TRANSFER AGENT & REGISTRAR, CORPORATE BOND TRUSTEE & REGISTRAR, FISCAL & PAYING AGENT, BANK SECURITY, CREDIT CARD OPS, ACH, AND FUNDS TRANSFERS.

## **PROFESSIONAL BACKGROUND SUMMARY**

20+ YEARS EXPERIENCE IN MANAGEMENT AT BANKS, SAVINGS & LOANS, CREDIT COMPANIES, MORTGAGE BANKING COMPANIES, AND A GOVERNMENTAL FINANCIAL INSTITUTION REGULATORY AGENCY. POSITIONS HELD INCLUDE BOARD OF DIRECTORS MEMBER, EXECUTIVE VICE PRESIDENT, SENIOR VICE PRESIDENT, MANAGER OF LENDING, MANAGER OF MORTGAGE BANKING, REGULATORY SUPERVISORY AGENT TANTAMOUNT TO CEO). COMMITTEE MEMBERSHIPS INCLUDED LOAN COMMITTEE, EXECUTIVE COMMITTEE, AUDIT COMMITTEE, AND PENSION PLAN TRUSTEE. SERVED AS A CORPORATE OFFICER OF VARIOUS FINANCIAL INSTITUTION SUBSIDIARIES.

MANAGEMENT RESPONSIBILITIES INCLUDED AS MANY AS 300 PEOPLE IN 22 LOCATIONS NATIONWIDE IN TEN STATES AND \$2.1 BILLION (IN 2015 USD) IN GROSS ASSETS. DIRECTLY RESPONSIBLE FOR ORIGINATING OVER 36,000 LOANS OF ALL TYPES TOTALING OVER \$5 BILLION, REVIEWING OVER 25,000 REAL ESTATE APPRAISALS, AND REVIEWING WELL OVER 100,000 FINANCIAL STATEMENTS AND CREDIT REPORTS.

### **Terms of This Consulting Engagement**

The attorneys for the Plaintiff engaged me on May 18, 2017, to assist them as their expert witness consultant. Compensation for working on this case is based upon an hourly rate of \$495.00 plus expenses.